

AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Tuesday, January 8, 2019 at 2:00 p.m.

Alcazar Room, City Hall
75 King Street

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Approval of Minutes**
- 4. Comprehensive Plan Amendment & Rezoning**
 - (a) 2018-0142 Sean McInerney – Applicant
(Continued November 6, 2018) Scharf Roger W. Living Trust – Owner
[60 West Avenue](#)
To amend the Future Land Use Map designation from Residential Medium Density/Mixed Use to Commercial Medium Intensity & rezone from Planned Unit Development (PUD) to Commercial Medium-Two (CM-2).
- 5. Use by Exception**
 - (a) 2018-0158 Keith N. Waheed – Applicant & Owner
[268 W. King Street](#)
To approve a new single family home within the Commercial Medium 2 (CM-2) zoning category.
- 6. Variance**
 - (a) 2018-0169 Jon Benoit – Applicant
C/o BEHST Builders, Inc.
Steve Jacobs – Owner
[38 Water Street](#)
To approve variances to increase building height from thirty (30) feet to thirty-two (32) feet, decrease roof pitch from 5/12 to 8/12, & encroach into the six point nine (6.9) foot setback for a proposed building addition.

7. Conservation Overlay Zone Development

- (a) 2018-0153
(Continued December 4, 2018)
- Bart D. Piniaz – Applicant
Carlapooh LLC – Owner
[121 Spoonbill Point Court](#)
To approve removal of more than fifty (50) percent of the tree canopy, including twelve (12) preserved trees (Cedars) within Conservation Overlay Zone 3.
- (b) 2018-0152
(Continued December 4, 2018)
- Ryan Carter – Applicant
C/o Carter Environmental Services Inc.
St. Marks Development Authority – Owner
[709 S. Ponce De Leon Boulevard](#)
To approve a proposed dock within Conservation Overlay Zone 1, proposed retaining wall, building, and site improvements in Conservation Overlay Zone 2, and removal of preserved tree(s) (Oaks) within Conservation Overlay Zone 3.
- (c) 2018-0163
- Ryan Carter – Applicant
C/o Carter Environmental Services, Inc.
John Sebastian & James Farrell – Owners
[919 Lew Boulevard](#)
To approve a proposed dock within Conservation Overlay Zones 1 & 2.
- (d) 2018-0167
- Ryan Carter – Applicant
C/o Carter Environmental Services, Inc.
Fish Island Development, LLC – Owners
PIN#: [1622100016](#) (Area roughly bounded by Plantation Island Drive S. projected to the Matanzas River, Matanzas River, State Road 312, then Plantation Island Drive S.)
To approve removal of preserved trees (Oaks & Cedars) for a linear retention pond to serve the neighboring parcel locate at PIN#: [1622100021](#).
- (e) 2018-0157
- Brian Lynn – Applicant
C/o Lynn Investments, LLC
Dominic Mercurio - Owner
C/o Mwm Acquisitions, LLC
[1370 U.S. 1 South](#)

To approve removal of more than fifty (50) percent of the tree canopy, including nine (9) preserved trees (Oaks) within Conservation Overlay Zone 3.

(f) 2018-0168

Matt Lahti – Applicant
C/o Gulfstream Design Group
Dave Quinney – Owner
C/o Palms on Plantation, LLC

[700 Plantation Island Drive S.](#)

To approve removal of more than fifty (50) percent of the tree canopy, including seven (7) preserved trees (Cedars and Oaks) within Conservation Overlay Zone 3.

8. Rezoning

(a) 2018-0154

Sandy & Mike Wieber – Applicant
Blake F. Deal III – Owner

[7 Bridge Street](#)

Recommendation to rezone the property from Historic Preservation One (HP-1) to Planned Unit Development (PUD).

9. Potential Business Items

- (a) Discussion and recommendation regarding changes to the Tree Code.
- (b) Discussion and recommendation regarding changes to the City Animal Code.
- (c) Update regarding Comprehensive Plan EAR based Amendments and Community Involvement Process for 2019.

10. Adjournment

Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting December 4, 2018

The Planning and Zoning Board met in formal session Tuesday, December 4, 2018, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Grant Misterly, Chairperson and the following were present:

1. Roll Call:

Grant Misterly, Chairperson
Karen Zander, Vice Chairperson
Sarah Ryan
Jon DePreter
Christina Opsahl
Maurice Morrisette

Absent: Carl Blow

City Staff: David Birchim, Director, Planning & Building Department
David Harrell, Senior Development Review Planner
John Cary, Assistant City Attorney
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

The following member of the public gave comment:

- B.J. Kalaidi

3. Approval of Minutes

Ms. Ryan noted that the name under adjournment was incorrect.

MOTION

Mr. DePreter **MOVED to APPROVE** the November 6, 2018 minutes as amended. The motion was **SECONDED** by Ms. Zander.

VOTE ON MOTION:

AYES: DePreter, Zander, Morrisette,
Opsahl, Ryan, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Agenda Modifications

Mr. Harrell advised the Board of the following:

- The applicant for item 4(b) had requested the item be withdrawn; however, they were present to potentially request a continuance instead
- The application for item 5(a) had been withdrawn as was reflected on the published amended agenda
- Item 4(a) had been recommended for continuance by staff to allow the applicant time to provide an arborist's report.

MOTION

Mr. Misterly **MOVED to CONTINUE** application 2018-0152, 709 S. Ponce de Leon Boulevard to the January 8, 2019 meeting. The motion was **SECONDED** by Mr. DePreter.

VOTE ON MOTION:

AYES: Misterly, DePreter, Morrisette,
Opsahl, Ryan, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Conservation Overlay Zone Development

4. (a) 2018-0153 – Bart D. Piniaz – Applicant
Carlapooh LLC – Owner
121 Spoonbill Point Court

To approve removal of more than fifty (50) percent of the tree canopy, including twelve (12) preserved trees (Cedars) within Conservation Overlay Zone 3.

The Board discussed staff's recommendation to continue the application and the need to see an arborist report to allow for thorough discussion of the application.

MOTION

Ms. Zander MOVED to CONTINUE Conservation Overlay Zone Development application 2018-0153, 121 Spoonbill Point Court to the January 8, 2019 meeting. The motion was SECONDED by Mr. Morrisette.

There was brief discussion regarding having the property staked as part of the arborist's report so that it was clear during a site visit which trees were being proposed for removal and/or retention.

VOTE ON MOTION:

AYES: Zander, Morrisette, Opsahl,
DePreter, Ryan, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (b) 2018-0152 – Ryan Carter, Carter Environmental Services Inc. – Applicant
St. Marks Development Authority – Owner
709 S. Ponce De Leon Boulevard

To approve a proposed dock within Conservation Overlay Zone 1, proposed retaining wall, building, and site improvements in Conservation Overlay Zone 2, and removal of preserved tree(s) within Conservation Overlay Zone 3.

Applicant requested continuance during the meeting. See Modifications to the Agenda for motion to continue.

5. Use by Exception

5. (a) 2018-0156 – 3 Boy Farms LLC – Applicant
J & BFLP Ltd. – Owner
160 King Street

To approve a use by exception allowing a 3,500 square foot medical marijuana dispensary.

Applicant withdrew item prior to the meeting.

8. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 2:12 P.M.¹

Grant Misterly, Chairperson

¹ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **COMPREHENSIVE PLAN AMENDMENT & REZONING - #2018-0142**

AGENDA ITEM 4(a)

APPLICANT Sean McInerney

OWNER Roger Scharf W Living Trust

LOCATION 60 West Avenue

REQUEST To amend the Future Land Use Map designation from Residential Medium Density / Mixed Use to Commercial Medium Intensity & rezone from Planned Unit Development (PUD) to Commercial Medium 2 (CM-2).

APPLICABLE ELEMENTS FOR COMPREHENSIVE PLAN AMENDMENT

FLU Objective 1

The Future Land Use Map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. The measurable targets for this objective are: (1) the number of development proposals reviewed for compliance with the Future Land Use Plan as implemented by the city's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

Policy 1.3-

The City shall maintain the following densities and intensities of land use for the Future Land Use classifications indicated. These densities and intensities shall be implemented by zoning district regulations adopted in the City Code and shall apply to all new development and all redevelopment in the City. Calculations of densities and intensities of use are based on net developable land, not gross acreage. Developable land includes all land contained within the boundaries of a parcel except lands within a public right-of-way; marshlands, swamps, or other environmentally sensitive lands where local, State, or Federal regulations otherwise prohibit development; and natural or man-made bodies of water such as ponds, lakes and reservoirs.

Residential Medium Density Mixed Use

This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

Residential Uses

Maximum of 16 units per acre (minimum of 5,450 square feet of lot area for single-family dwelling units and for multiple-family dwelling units, 7,250 square feet of lot area for the first 2 units and 1,750 square feet of lot area for each additional unit).

Other Uses

A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), low intensity commercial, institutional (including schools), recreational and open land. The City shall incorporate guidelines within its land development regulations to permit certain nonresidential uses as a zoning exception to ensure compatibility with existing residential areas and land use patterns. Low intensity industrial uses shall not be permitted near schools.

Maximum lot coverage of 50%; maximum height restriction of 50 feet.

Commercial Medium Intensity

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

Residential Uses

Single family Residential: Eight single family dwelling units per acre (minimum lot area is 5,450 square feet). Not more than fifty percent (50%) of the Commercial Medium Intensity designation shall be permitted for residential use.

Multiple family Residential: Maximum of 16 units per acre (minimum of 5,450 square feet of lot area for single family dwelling units and for multiple family dwelling units, 7,250 square feet of lot area for the first two units and 1,750 square feet of lot area for each additional unit).

Other uses: Minimum lot area must equal 15,000 square feet; maximum lot coverage of 70%; maximum height restriction of 35 feet.

APPLICABLE CODE FOR COMPREHENSIVE PLAN AMENDMENT & REZONING

Sec. 28-30. - Comprehensive plan amendments, rezoning's and amendment of chapter.

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

- (1) The need and justification for the change.
- (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
- (3) Consistency with the comprehensive plan.

(d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the

property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

APPLICABLE CODES/ORDINANCES FOR REZONING

PUD Ordinance 2012-08

Permitted Uses

- (1) Doctor's office
- (2) Professional office
- (3) Retail
- (4) Single family residential
- (5) Home office, private
- (6) Home occupation
- (7) General business office

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

- (1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:
 - a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.
 - b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstery, furniture refinishing and similar establishments.
 - c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.

- d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
 - e. Hotels and motels with or without kitchenettes.
 - f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
 - g. Multifamily dwellings as for RG-1.
 - h. Colleges.
 - i. Shopping plaza or shopping center.
 - j. Intermediate care facilities.
 - k. Home office, private.
 - l. Agricultural market, outdoor or indoor.
 - m. Special event venue as per section 28-347(8).
- (2) *Permitted accessory uses.* See section 28-348.
- (3) *Permissible uses by exception:*
- a. As provided in section 28-347.
 - b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
 - c. Building trades contractor with outside storage yard and heavy construction equipment.
 - d. Boatyard.
 - e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
 - f. Bulk storage yards, including bulk storage of flammable liquids.
 - g. Open air theaters, but not drive-in theaters.
 - h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
 - i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
 - j. Tattoo parlor or studio.
 - k. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
 - l. Uses and structures as for RG-1 (section 28-163).

- m. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, one hundred (100) feet.
 - b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.
- (5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.
- (6) *Minimum yard requirements:*
 - a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
 - b. Side, five (5) feet.
 - c. Rear, five (5) feet.
 - d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.
- (7) *Maximum height of structures:* Thirty-five (35) feet.
- (8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

Sec. 28-208. - Commercial medium-one: CM-1.

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

- (1) *Permitted principal uses and structures:*
 - a. Service station.
 - b. Hotels and motels with or without kitchenettes.
 - c. Shopping plaza and shopping center.
 - d. Reception and information center.
 - e. Museums.
 - f. Outdoor recreational facilities.

- g. Service establishments such as hair salons, shoe repair shop, restaurant (including drive-in or fast food), service stations, interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.
 - h. Banks and financial institutions.
 - i. Home office, private.
 - j. Multiple-family dwellings.
 - k. Retail outlets such as specialty food stores, pharmacy, supermarkets, clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, alcohol sales and service (without drive-in) and similar products.
 - l. Business and professional offices.
 - m. Intermediate care facility.
 - n. Special event venue as per section 28-347(8).
- (2) Permissible uses by exception:
- a. Any commercial or noncommercial tourist attraction which can be shown to meet the intent of this district. (See definition of "tourist attraction" in section 28-2).
 - b. Churches.
 - c. Wholesaling from sample stock.
 - d. Uses and structures as for RG-1 (section 28-163).
 - e. Commercial parking facilities.
 - f. Drive-in uses for banks and financial institutions.
 - g. Single-family uses.
 - h. Miniwarehouses, and self-storage facilities.
- (3) *Minimum lot requirements:*
- a. Lot width, one hundred (100) feet.
 - b. Lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.
- (4) *Maximum lot coverage of all buildings.* Seventy (70) percent.
- (5) *Minimum yard requirements:*

- a. Front, zero feet minimum, thirty (30) feet maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
- b. Side, five (5) feet.
- c. Rear, five (5) feet.
- d. Off-street parking shall be permitted in any side or rear yard.
- (6) *Maximum height of structures.* Thirty-five (35) feet.
- (7) *Permitted accessory uses and structures:*
 - a. See section 28-348.
 - b. Parking lots complying with section 28-347(3).

STAFF SUMMARY OF COMPREHENSIVE PLAN AMENDMENT & REZONING

Blue highlights denote additions since last staff report.

This item was continued at the November meeting due to the applicant not being present for the meeting.

The applicant has requested a land use amendment from Residential Medium Density / Mixed Use to Commercial Medium Intensity & a rezoning from Planned Unit Development (PUD) to Commercial Medium 2 (CM-2) on 0.07 acres of land. Current use of the land consists of a 1,000 square foot building and accessory parking area on the property. The applicant has requested this rezoning and comprehensive plan amendment to allow for a boutique liquor store.

Originally the property was zoned CM-2 and was later part of a larger PUD that encompassed areas shaded in grey and grey stripes as shown on the zoning map (see attachment #5). This PUD allowed a mixture of residential and commercial uses but was never built. The property was rezoned to PUD in 2010 (Ord. 2010-22) to separate it from the larger PUD zoning and was to allow for doctor's office, professional office, and retail. This original PUD set these three permitted uses, established a site plan, and physical layout sketch which established the setbacks, height, etc. (see attachment #4). In 2012 the PUD was modified to allow the additional permitted uses of single family residential, home office private, home occupation, or general business. The underlying land use has always been Residential Medium Density – Mixed Use.

STAFF ANALYSIS OF COMPREHENSIVE PLAN AMENDMENT & REZONING

Red highlights are a subtraction when changing to Commercial Medium Intensity; Green highlights are an addition when changing to Commercial Medium Intensity.

Residential Medium Density / Mixed Use (existing)	Commercial Medium Intensity (proposed)
This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.	This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting

	facilities. It is not intended that this district become or be used for strip commercial purposes.
Residential Medium Density / Mixed Use (existing)	Commercial Medium Intensity (proposed)
Residential Uses: Maximum of 16 units per acre (minimum of 5,450 square feet of lot area for single-family dwelling units and for multiple-family dwelling units, 7,250 square feet of lot area for the first 2 units and 1,750 square feet of lot area for each additional unit).	Single family Residential Uses: 8 single family dwelling units per acre (minimum lot area is 5,450 square feet). Not more than 50% of the Commercial Medium Intensity designation shall be permitted for residential use. Multiple family Residential: Maximum of 16 units per acre (minimum of 5,450 square feet of lot area for single family dwelling units and for multiple family dwelling units, 7,250 square feet of lot area for the first two units and 1,750 square feet of lot area for each additional unit).
Other Uses: A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), low intensity commercial, institutional (including schools), recreational and open land. The City shall incorporate guidelines within its land development regulations to permit certain nonresidential uses as a zoning exception to ensure compatibility with existing residential areas and land use patterns. Low intensity industrial uses shall not be permitted near schools. Maximum lot coverage of 50%; maximum height restriction of 50 feet.	Other uses: Minimum lot area must equal 15,000 square feet; maximum lot coverage of 70%; maximum height restriction of 35 feet.

Currently the land use of Medium Density Residential – Mixed Use allows medium intensity residential and low intensity commercial mix of uses. The area is in a state of transition with residential further northeast and commercial uses to the north and west along US 1 and south along the waterfront. Increasing the land use intensity within this area would not be detrimental since the parcel is close to US 1 and nearby to a larger commercial area to the south and east (see attachment 5).

With a rezoning all uses must be analyzed since the stated use may not be built. There are uses that will be added, changed, and subtracted from the permitted use by right and use by exception categories. Below is a chart that reflects these items; red indicates a permitted use subtracted when rezoned to PUD, green indicates an addition of a permitted use when rezoned to CM-2, yellow indicates a use by exception in the applicable zoning category, with blackened area either being not present in PUD or removed in CM-2 and no highlights indicated an allowed use by right. The yellow categories (use by exception) were not analyzed because they will be reviewed by separate application to the Board; these are provided only as information.

PUD (Existing)	CM-2 (Proposed)
Retail.	Retail outlets such as specialty food stores, pharmacy, supermarkets, convenience stores and similar products; clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies.
PUD (Existing)	CM-2 (Proposed)
Doctors, general, & professional office.	Business and professional offices.
Home office, private.	Home office, private.
Single family home.	Single family home.
Home Occupation.	Home Occupation.
	Hotels and motels with or without kitchenettes.
	Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
	Shopping plaza.
	Service establishments including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, banks and financial institutions, funeral homes, travel agencies, hair salons, shoe repair shop, restaurant (including drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant; radio and TV

	broadcasting office, transmitter, antenna, and studio; funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.
	Special event venue as per section 28-347(8).
PUD (Existing)	CM-2 (Proposed)
	Churches.
	Commercial parking facilities.
	Service station.
	Intermediate care facility.
	Shopping plaza or shopping center.
	Reception and information center.
	Outdoor recreational facilities.
	Museums.
	Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
	Any commercial or noncommercial tourist attraction which can be shown to meet the intent of this district. (See definition of "tourist attraction" in section 28-2).
	Mini-warehouses and self-storage facilities.
	Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
	Colleges.
	Agricultural market, outdoor or indoor.
	Special event venue as per section 28-347(8).
	Multiple-family dwellings.
	Wholesale, warehouse, or storage use, to include mini-warehouses, and self-storage facilities.
	Boatyard.
	Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
	Building trades contractor with outside storage yard and heavy construction equipment.
PUD (Existing)	CM-2 (Proposed)

PUD (Existing)	CM-2 (Proposed)
	Open air theaters, but not drive-in theaters.
	Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
	Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
	Tattoo parlor or studio.
	Building trades contractor with outside storage yard and heavy construction equipment.
	Bulk storage yards, including bulk storage of flammable liquids.
	Open air theaters, but not drive-in theaters.
	Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
	Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
	Tattoo parlor or studio.
	Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
	Housing for the elderly.
	Rooming houses and Boarding houses.
	Tourist homes & bed and breakfast inns.
	Neighborhood recreational facility.
	Accessory apartments.
	Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.*
PUD (Existing)	CM-2 (Proposed)

* Use by exception cannot be approved at this location due to U.S. 1 direct access requirement.

This chart reflects the zoning standards that exist and will change if rezoned to CM-2, with yellow denoting the change between the zoning categories.

	PUD (current)	CM-2 (proposed)
Max. Lot Coverage by Building	As depicted on PUD Exhibits	70%
Front Yards (applicable portions only)	As depicted on PUD Exhibits	0 feet minimum, 30 feet maximum... (setback) shall be measured from the property line to the building, excluding awnings, (carports), balconies, porches, canopies, or other non-occupied appendages. Second front yard can be one-half of maximum (15 feet)
Side Yards	As depicted on PUD Exhibits	5 feet
Maximum Height	As depicted on PUD Exhibits	35 feet*
	PUD (current)	CM-2 (proposed)

* Up to 55 feet maximum for spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shafts (excluding parapets) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy (Sec 28-332, City Code).

Given the size of the parcel, some of the zoning uses such as hotels, shopping plazas/centers, special event venues, manufacturing, warehousing likely would not develop. Some uses that could develop are commercial parking, alcohol sales, some retail or office, church, or intermediate care facility.

Rezoning & Comprehensive Plan Amendment Findings of Fact (Section 28-230.c, City Code) *Staff interpretation in italics.*

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) **The need and justification for the change.** *The applicant has desired to develop a boutique liquor store; it would necessitate a comprehensive plan amendment to Commercial Medium Intensity and associated rezoning to Commercial Medium-2. Changing the land use and zoning would not be a detriment because the area is in a state of transition with residential further northeast and commercial uses to the north and west along US 1 and south along the waterfront. Increasing the land use intensity within this area would not be detrimental since the parcel is close to US 1 and nearby to a larger commercial area to the south and east (see attachment 5).*

(2) **The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.** *The proposed Commercial Medium Intensity Land Use does not exist in the area and the associated Commercial Medium-2 zoning exists within the area and the parcel was previously zoned this before 2010. However in order to rezone back to the CM-2 zoning it is necessary to change the land use to Commercial Medium Intensity. These changes would allow the proposed amendment and rezoning to correspond with each other.*

(3) Consistency with the comprehensive plan. *The land use amendment and rezoning is consistent with the Comprehensive Plan, in particular the Land Use Element which allows for a continued transition to more intense commercial uses in a transitioning area.*

STAFF RECOMMENDATION FOR REZONING

If the Board **CAN** find there is a need & justification for the comprehensive plan amendment & rezoning & it finds that the comprehensive plan amendment & rezoning **DOES** support the general planning program then the Board **CAN** recommend approval of the comprehensive plan amendment & rezoning.

If the Board **CANNOT** find there is a need & justification for the comprehensive plan amendment & rezoning & it finds that the comprehensive plan amendment & rezoning **DOES NOT** support the general planning program then the Board **CANNOT** recommend approval of the comprehensive plan amendment & rezoning.

SUPPLIMENTS

Attachment 1 – Application.
Attachment 2 – Location Map.
Attachment 3 – Property Appraiser Info.
Attachment 4 – Existing PUD Ordinances.
Attachment 5 – Staff Maps.

David Harrell, AICP
Senior Development Review Planner
Planning and Building Department

Attachment 1
Application



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: 400.00 (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: 11/02/2018

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: SEAN MCINERNEY Contact Number: 904-962-2313

Business (if applicable): FORGOTTEN CITY SPIRITS, INC.

Address: 56 S. DIXIE HWY. SUITE 6 City: ST. AUGUSTINE State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: SCHARF ROGER W LIVING TRUST Contact Number: N/A

Business (if applicable): N/A

Address: P.O. BOX 163 City: OWLS HEAD State: NY Zip: 12969

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: SEE ATTACHED WARRANTY DEED Block: SEE ATTACHED WARRANTY DEED

Subdivision: SEE ATTACHED WARRANTY DEED Parcel Number: SEE ATTACHED WARRANTY DEED

4. PROJECT STREET ADDRESS: 60 WEST AVENUE ST. AUGUSTINE FL 32084

5. SPECIFIC PROPOSED USE: BOUTIQUE LIQUOR STORE & LOUNGE

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☒ Land Use Plan Amendment

☐ Variance ☒ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: "LAND USE PLAN AMENDMENT CHANGING FROM COMMERCIAL LOW INTENSITY TO COMMERCIAL MEDIUM INTENSITY AND REZONING FROM PUD TO CM-2"

8. JUSTIFICATION FOR ACTION REQUESTED: _____

REQUESTING CHANGE SO THAT SITE MAY BE USED FOR A BOUTIQUE LIQUOR & RETAIL STORE FOR SALE TO THE GENERAL PUBLIC AS WELL AS A SMALL LOUNGE SPECIALIZING IN THE SALE OF HIGH END SPIRITS TO THE GENERAL PUBLIC FOR CONSUMPTION ON PREMISES. THERE WILL BE A "4COP" LIQUOR LICENSE ASSOCIATED WITH THIS PROPERTY.

10/31/17

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?

Please explain fully: N/A

- (b) Can you establish that this disadvantage is not due to the owner's actions?

Please explain fully: N/A

- (c) Can you establish that this disadvantage prevents reasonable use of the property:

Please explain fully: N/A

- (d) If granted, will the variance adversely affect other property in the area:

Please explain fully: N/A

- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: N/A

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present,** and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

Sean McNerney

Signature of Applicant

10/12/2018

Date

Roger Scharf

Signature of Property Owner

10/18/2018 12:01 PM
EDT

Date

10/31/17



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

SEAN MCINERNEY

Print name of applicant

Sean McInerney

Signature of applicant

10/12/2018

Date

10/31/17

Public Records of
St. Johns County, FL
Clerk# 98058613
Q.R. 1374 PG 1186
03:30PM 12/30/1998
REC \$5.00 SUR \$1.00
Doc Stamps \$315.00

This Instrument Prepared by M LAGASSE ESTATE TITLE &
GUARANTY, INC.

Address: 71 Camco Street
St. Augustine, FL 32084

Property Appraisers Parcel ID(s)/Location/Taxlot Number(s):
119010-0000

Grantee(s): S.S.A(s):

WARRANTY DEED THIS LINE FOR INTERESTED DATA

WARRANTY DEED THIS LINE FOR INTERESTED DATA

This Warranty Deed Made the 29th day of December A.D. 1998 by DOMINIC M. TRINGALI AND JOAN M. TRINGALI, HIS WIFE hereinafter called the grantor, to ROGER W. SCHARF whose post office address is 60 3RD ST., ST. AUGUSTINE BEACH, FL 32084 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$40.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the grantee all that certain land situate in ST. JOHNS COUNTY County, State of Florida, viz:

LOT FIFTY-FIVE (55) IN BLOCK "C" OF THE WILDWOOD PARK COMPANY'S SUBDIVISION IN THE SOUTHEAST PORTION OF THE AVICE AND VIEL GRANT, IN SECTION THIRTY-SEVEN (37) IN TOWNSHIP SEVEN (7) SOUTH OF RANGE THIRTY (30) EAST AS PER PLAT OF SAME RECORDED IN PLAT BOOK 1, PAGE 133 OF THE ST. JOHNS COUNTY PUBLIC RECORDS.

Subject To covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any taxes and assessments for the year 1998 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

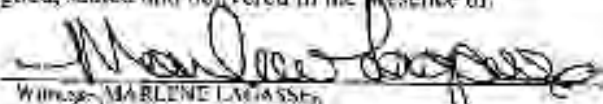
Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

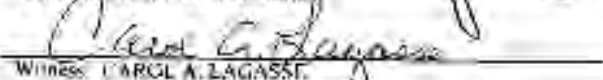
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons.

In Witness Whereof, the said grantor has signed and sealed these presents this day and year first above written.

Signed, sealed and delivered in the presence of:

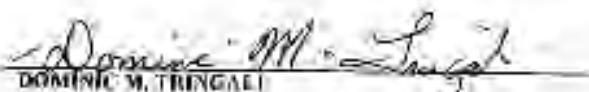

Witness: MARLENE LAGASSE


Witness: CAROL A. LAGASSE

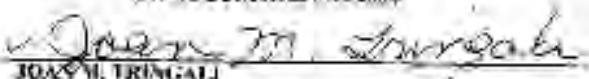
Witness:

Witness:

Address:


DOMINIC M. TRINGALI

Address: 6 MARILYN AVE.
ST. AUGUSTINE, FL 32084


JOAN M. TRINGALI

Address: 6 MARILYN AVE.
ST. AUGUSTINE, FL 32084

Address:

STATE OF FLORIDA
COUNTY OF ST. JOHNS COUNTY

The foregoing instrument was acknowledged before me this 29th day of December, 1998 by DOMINIC M. TRINGALI and JOAN M. TRINGALI, his wife.

Attachment 2
Location Map

Google Maps 60 West Ave



Imagery ©2018 Google, Map data ©2018 Google 200 ft



60 West Ave

St Augustine, FL 32084



VMPG+JM St Augustine, Florida

Attachment 3
Property Appraiser Info.



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)
[Proposed Hx](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1190100000
 Location Address 60 WEST AVE
 SAINT AUGUSTINE 32084-0000
 Neighborhood CLASS C OFFICE (202.03)
 Tax Description* 1-133 WILDWOOD PARK LOT 55 BLK C OR1374/1186 & 2924/1663
 *The Description above is not to be used on legal documents.
 Property Use Code Office Buildings (15tory) (1700)
 Subdivision Wildwood Park, Map Of
 Sec/Twp/Rng 37-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.4933
 Acreage 0.070
 Homestead N

View Map

Owner

Owner Name Scharf Roger W Living Trust 100%
 Scharf Roger W 0%
 Mailing Address PO BOX 163
 OWLS HEAD, NY 12969-0163

Valuation

	2018
Building Value	\$18,276
Extra Features Value	\$717
Total Land Value	\$45,285
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$64,278
Total Deferred	\$0
Assessed Value	\$64,278
Total Exemptions	\$0
Taxable Value	\$64,278

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2017	\$19,581	\$679	\$45,285	\$0	\$0	\$65,545	\$59,777	\$5,768	\$59,777
2016	\$20,669	\$709	\$45,285	\$0	\$0	\$66,663	\$54,343	\$12,320	\$54,343
2015	\$21,757	\$739	\$45,285	\$0	\$0	\$67,781	\$49,403	\$18,378	\$49,403
2014	\$21,501	\$769	\$22,642	\$0	\$0	\$44,912	\$44,912	\$0	\$44,912
2013	\$22,525	\$800	\$22,642	\$0	\$0	\$45,967	\$45,967	\$0	\$45,967
2012	\$23,754	\$830	\$22,642	\$0	\$0	\$47,226	\$47,226	\$0	\$47,226
2011	\$24,573	\$860	\$25,662	\$0	\$0	\$51,095	\$51,095	\$0	\$51,095
2010	\$25,802	\$890	\$28,680	\$0	\$0	\$55,372	\$55,372	\$0	\$55,372

Building Information

Building	1	Roof Structure	Wood Truss
Actual Area	1234	Roof Cover	Composite Shingle
Conditioned Area	1000	Interior Flooring	Carpet
Actual Year Built	1978	Interior Wall	
Use	Office Buildings	Heating Type	Air Duct
Style	04	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	

Category

Type

Pct

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Composite Shingle	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	2 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	2" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
F GARAGE	0	234
BASE AREA	1000	1000
Total SqFt	1000	1234

Extra Features

Code Description	BLD	Length	Width	Height	Units
CONC PAV 4	0	0	0	0	48
CONC PAV 4	0	0	0	0	282
Steel Door	0	0	0	0	80

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Office Buildings (1 Story)	0	0	3019	SF	\$45,285

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	4/16/2007	\$100.00	WD	2924	1663	U	I	SCHARF ROGER W	SCHARF ROGER W TRUSTEE
	12/29/1998	\$45,000.00	WD	1374	1186	Q	I	TRINGALI DOMINIC M,JOAN M	SCHARF ROGER W
	4/1/1990	\$0.00		851	1709	U	I		TRINGALI DOMINIC M,JOAN M

Area Sales Report

Recent Sales in Area

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

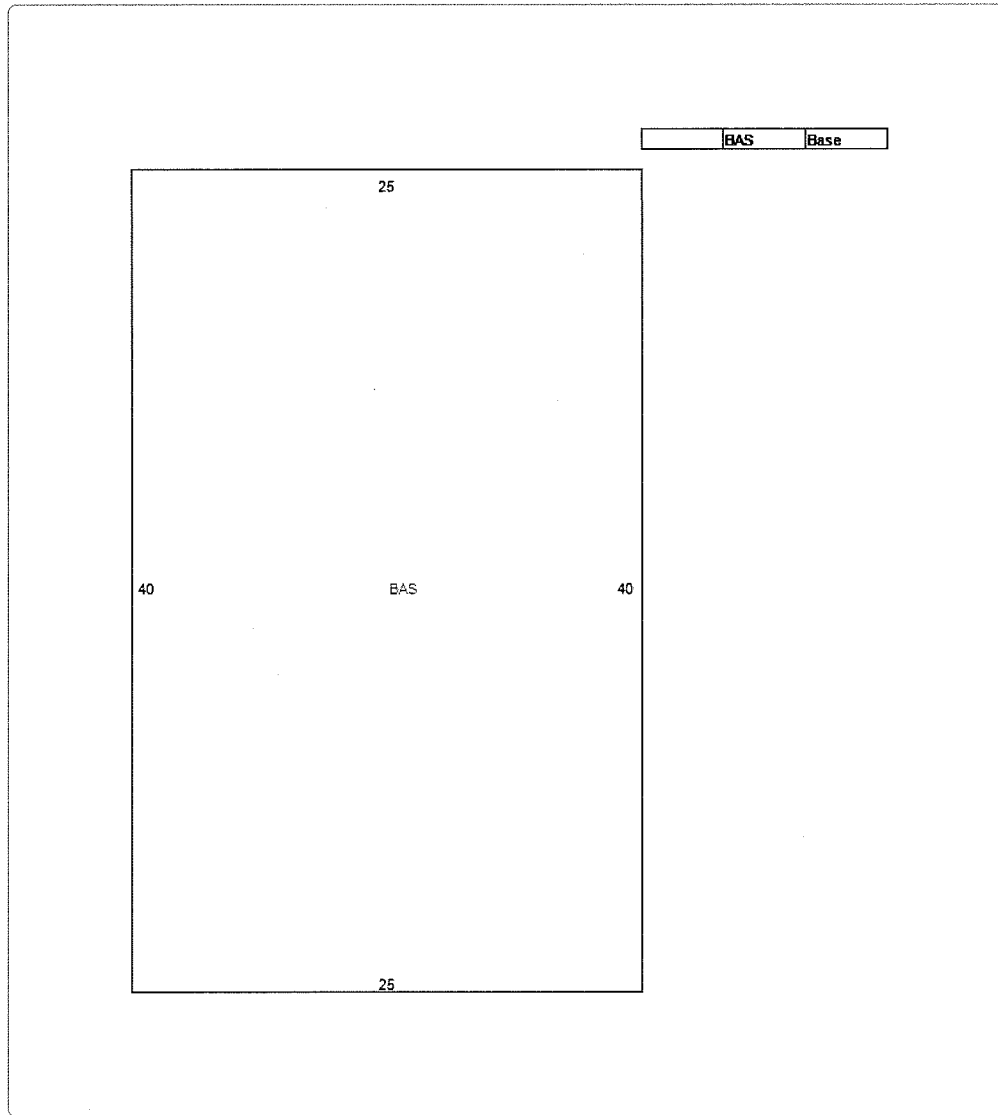
Tax Estimator

[Tax Estimator](#)

Map



Sketches



No data available for the following modules: Exemptions.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 10/16/2018, 10:51:00 PM

Developed by
 **Schneider**
GEOSPATIAL



Overview



Legend

- Parcels
- Cities

Parcel ID	1190100000	Physical Address	60 WEST AVE	Building Value	\$18,276	Last 2 Sales			
Property Class	1700 - Office Buildings (1 Story)	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$717	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	SCHARF ROGER W LIVING TRUST	Total Land Value	\$45,285	12/29/1998	\$45000	01	Q
Acres	0.07		PO BOX 163	Just Value	\$64,278	n/a	0	n/a	n/a
			OWLS HEAD NY 12969-0163	Total Deferred	N/A				
				Assessed Value	\$64,278				
				Total	N/A				
				Exemptions					
				Taxable Value	\$64,278				

Date created: 10/17/2018

Last Data Uploaded: 10/16/2018 10:51:00 PM

Developed by  **Schneider**
GEOSPATIAL

Attachment 4
Existing PUD Ordinances

ORDINANCE NO. 2010-22

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE SIXTY WEST AVENUE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR DEVELOPMENT STANDARDS FOR THE PUD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and

WHEREAS, the City of St. Augustine Comprehensive Plan provides for a Residential Medium Density/Mixed Use land use designation and for associated use and density criteria for development within the designation; and

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality which change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, Section 28-289 of the Code of the City of St. Augustine provides procedures for the modification of a Planned Unit Development (PUD); and

WHEREAS, on July 6, 2010, the City of St. Augustine Planning and Zoning Board (PZB) reviewed a request to establish the Sixty West Avenue PUD and made recommendation to the City Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. Establishment of Planned Unit Development. The Sixty West Avenue PUD is hereby established pursuant to Section 28-289 of the Code of the City of St Augustine for the following described property:

Lot 55, Block C, Map of Wildwood Park, Map Book 1, Page 133, Public Records of St. Johns County, Florida.

Section 2. PUD Development Standards. The site plan, attached hereto as Exhibit "A" and incorporated herein by reference, depicts the site development and shall continue to be the site development plan for the property. The existing structure, as depicted in Exhibit "B," attached hereto and incorporated herein by reference, shall be limited to one of the following uses:

- A. Doctors Office;
- B. Professional Office; or
- C. Retail.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

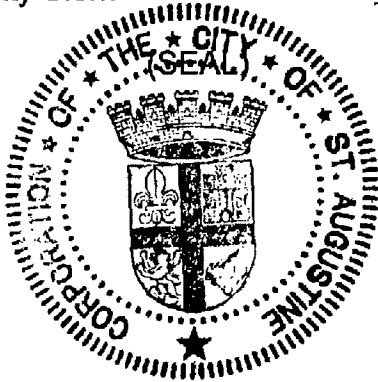
Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this 23rd day of August, 2010.

ATTEST:


City Clerk



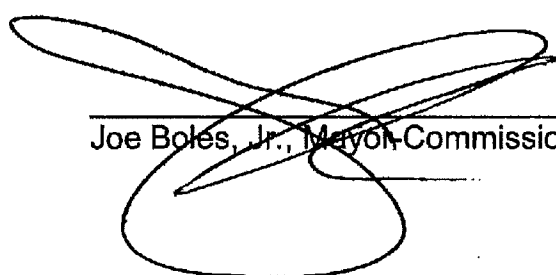

Joe Boles, Jr., Mayor-Commissioner

Exhibit "A"

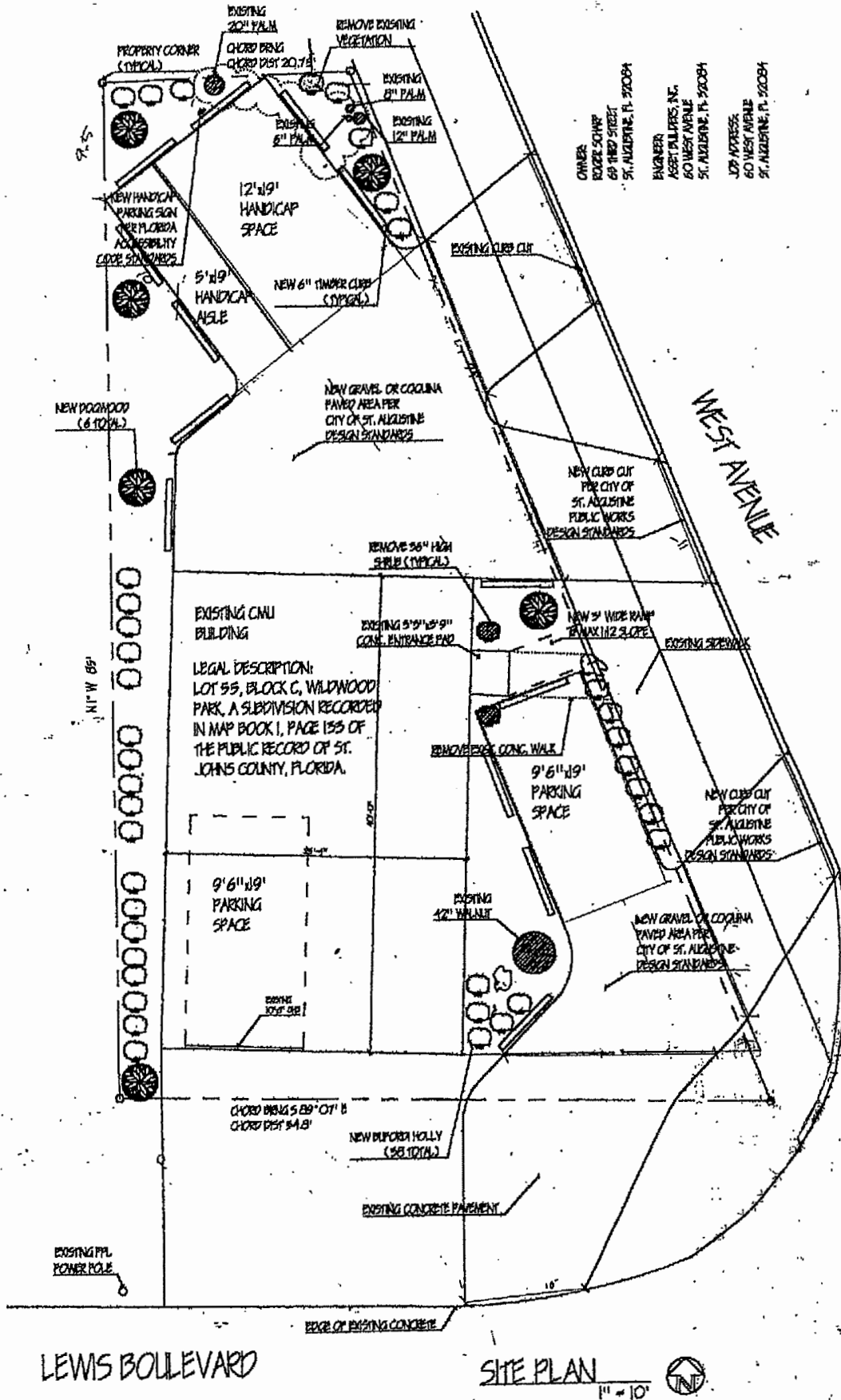


Exhibit "B"

SUPPORTING PHOTOGRAPH



ORDINANCE NO. 2012-08

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE SIXTY WEST AVENUE PLANNED UNIT DEVELOPMENT (PUD) ESTABLISHED PURSUANT TO ORDINANCE NO. 2010-22; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act; all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and

WHEREAS, the St. Augustine Comprehensive Plan provides for Residential Medium Density/Mixed Use land use designation and associated use and density criteria for development within the designation; and

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality which change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, Section 28-289 of the Code of the City of St. Augustine provides procedures for the establishment and amendment of a Planned Unit Development (PUD); and

WHEREAS, on May 1, 2012, the City of St. Augustine Planning and Zoning Board reviewed a request to amend a PUD established pursuant to Ordinance No. 2010-22 for property located at 60 West Avenue and made recommendation to the City Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment of Planned Unit Development. The Sixty West Avenue Planned Unit Development (PUD) established pursuant to Ordinance No. 2010-22 is hereby amended to add the following uses to the limited uses of the PUD:

- A. Doctors Office;
- B. Professional Office; or
- C. Retail;
- D. Single Family Residential;
- E. Home Office Private;
- F. Home Occupation; or
- G. General Business Office.

Section 2. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

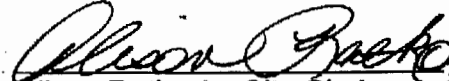
Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so

construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

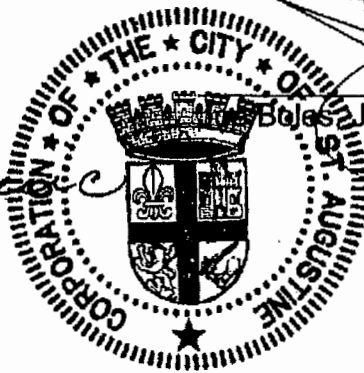
Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

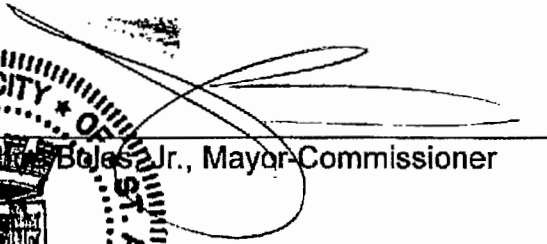
PASSED by the City Commission of the City of St. Augustine, Florida, this 11th day of June, 2012.

ATTEST:


Alison Ratkovic, City Clerk

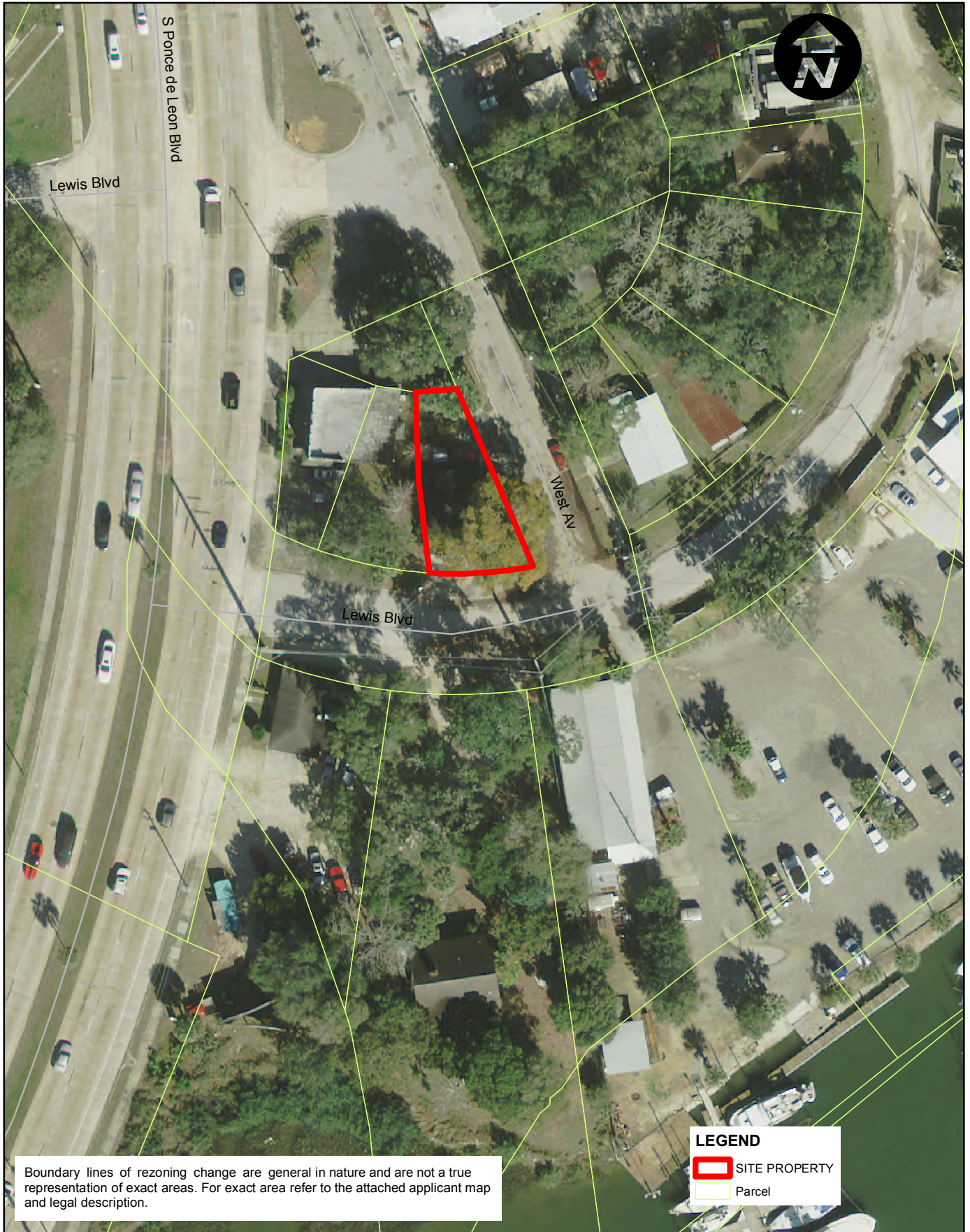
(SEAL)




Bajas Jr., Mayor-Commissioner

Attachment 5

Staff Maps



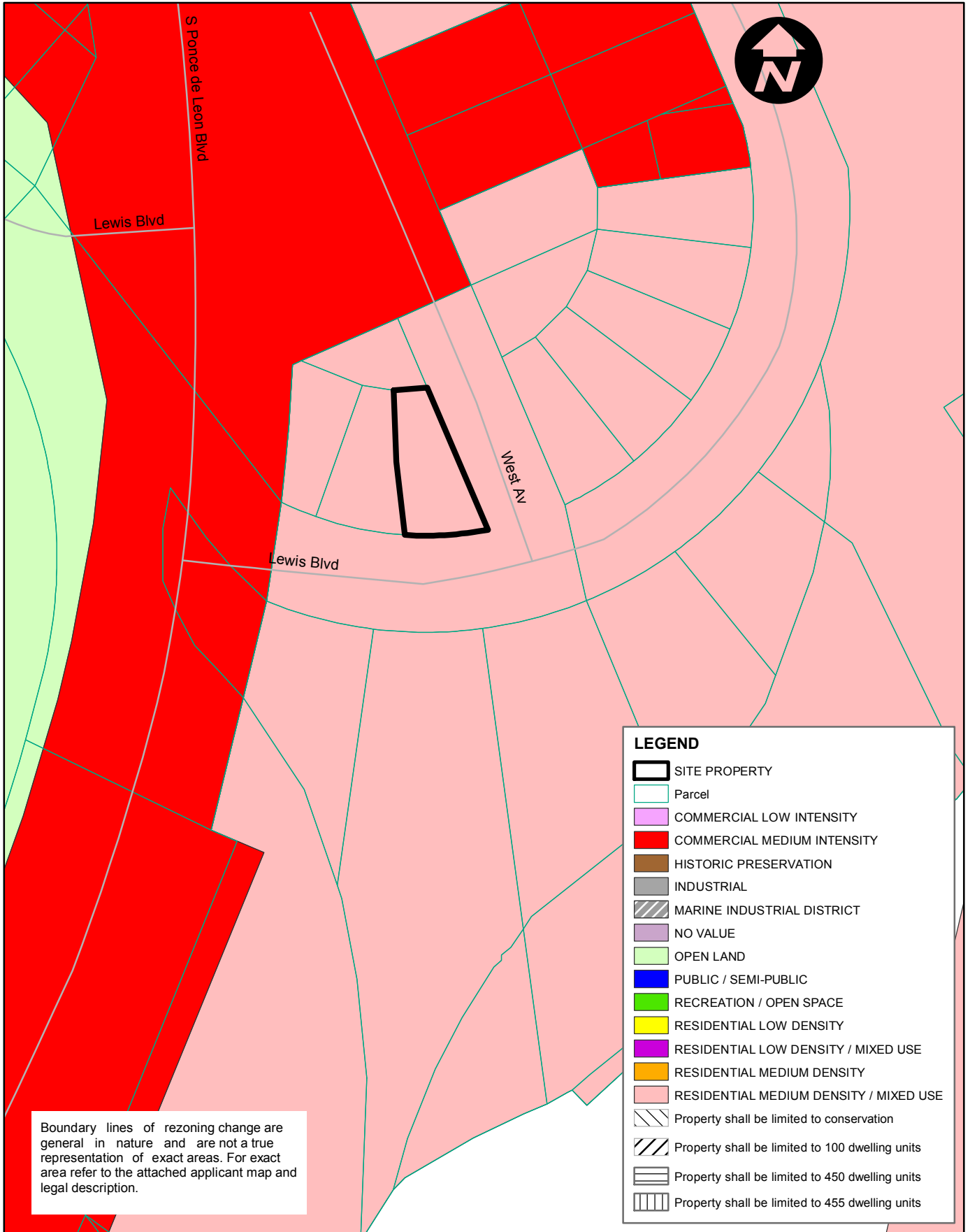
City of St. Augustine

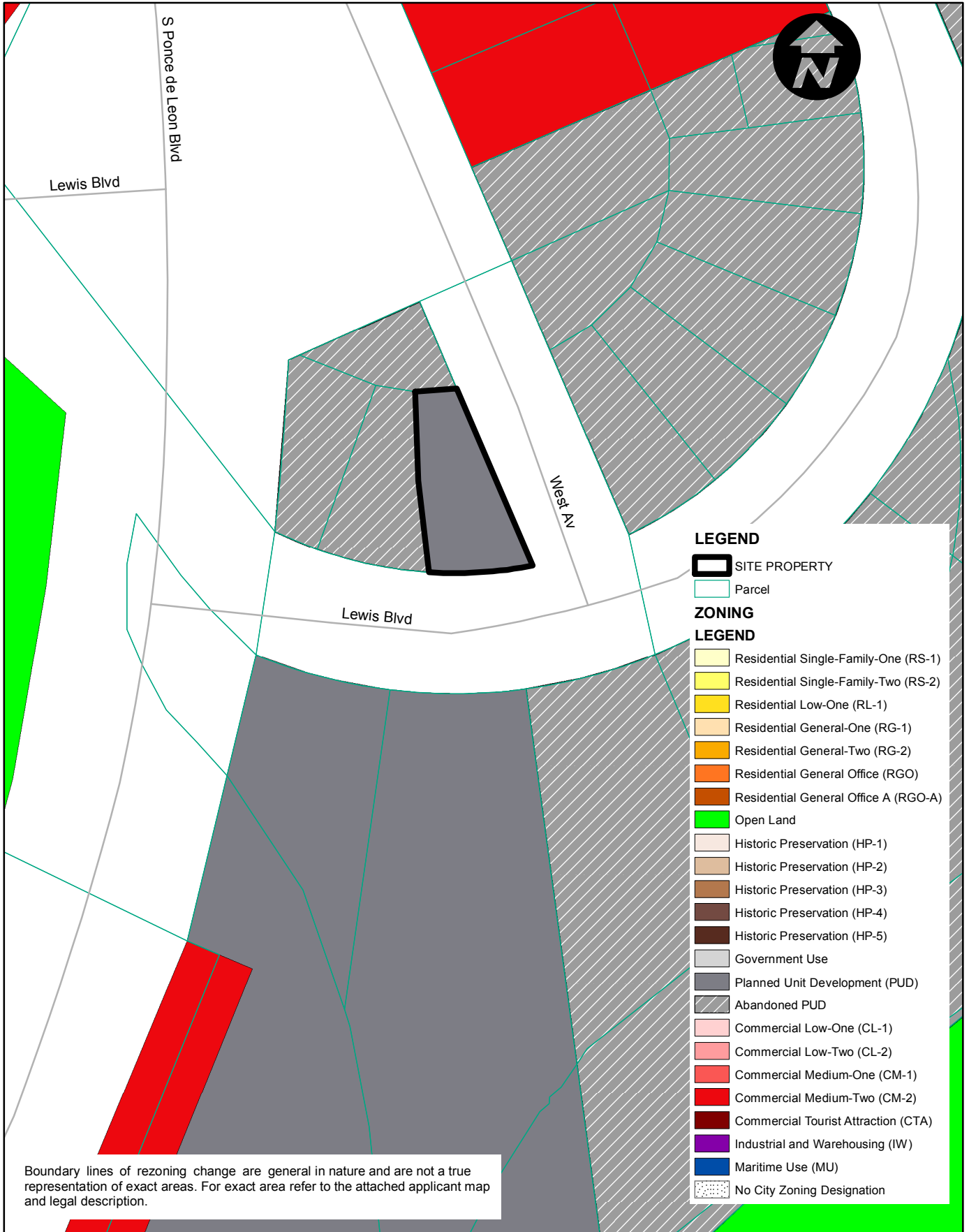
PLANNING AND BUILDING DEPARTMENT

P.O. Box 210, St. Augustine, FL 32085 Phone: (904) 825-1065

AERIAL

SHEET
1 of 1





CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **USE BY EXCEPTION #2018-0158**

AGENDA ITEM 5(a)

APPLICANT & OWNER Keith N. Waheed

LOCATION 268 W. King St.

REQUEST To approve a new single family home within the Commercial Medium 2 (CM-2) zoning category.

PLANS DATED December 21, 2018

LAND USE Commercial Medium Intensity

ZONING Commercial Medium 2 (CM-2)

SURROUNDING USE

Residential Uses are in all directions.

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-209. - Commercial medium-two: CM-2.

(3) *Permissible uses by exception:*

- l. Uses and structures as for RG-1 (section 28-163).

Sec. 28-163. - Residential, general-one: RG-1.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.

(5) *Maximum lot coverage by all buildings and structures.* Thirty-five (35) percent.

(6) *Minimum yard requirements:*

a. *Residential uses:*

1. Front, fifteen (15) feet.
2. Side, ten (10) feet.

(7) *Maximum height of structures:*

- a. *Single-family dwellings.* Thirty-five (35) feet.

Sec. 28-2. - Definitions.

Yard, front,... In the case of corner lots, a front yard of the required depth shall be provided on one (1) frontage and a front yard half the required depth shall be provided on the other.

STAFF SUMMARY AND ANALYSIS

The applicant requests an exception to place a new home on a site. Currently there is a home on the site which was built in 1925 and consists of 990 square feet. Removal of this home necessitates a Certificate of Demolition be approved by the Historical Architectural Review Board (HARB) because the home is more than fifty (50) years old. That process is independent of this exception and is ongoing at this time with a scheduled HARB hearing on January 18, 2019. A manufactured modular home of 1,610 square feet is proposed to replace the existing home.

The applicant has provided a proposed not to scale site plan and elevations for this new home (see attachments 3-4). Our Code requires any new buildings outside of the original footprint meet the RG-1 zoning district standards regarding setbacks, height, and maximum lot coverage. In order to meet the maximum lot coverage by buildings the applicant has proposed removal of the existing accessory garage. Staff has reviewed these items and has determined that all applicable Code standards within the RG-1 zoning district have been met.

Based on the evidence provided, Staff believes there is no detriment to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare by granting the exception. The area already consists of single-family homes in all directions from the property (see attachment 6). Also, the CM-2 zoning continues either direction along King Street (see attachment 6). To allow placement of a use where that same use is generally located within the area creates no detriment to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. The Board has the authority to place conditions on the approval of a use by exception in order to safeguard surrounding properties and the neighborhood.

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board may **APPROVE** a new single family home within the Commercial Medium 2 (CM-2) zoning category with the following conditions:

1. The existing garage must have a demolition permit issued by the Department before any building plans can be approved for the new home.
2. The HARB must approve a Certificate of Demolition for the existing home as a condition of the approval.

SUPPLIMENTS

Attachment 1 – Application & Applicant Info.
Attachment 2 – Location Map(s) & Property Appraiser Info.
Attachment 3 – Proposed Site Plan.
Attachment 4 – Proposed Home Info.
Attachment 5 – Current Home Pictures.

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application & Applicant Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JUN 15 2018

Planning/Zoning Dept.

Application Fee: \$250.00 (plus advertising costs) Project Number: 2018-0158

Receipt Number: 1487744

Meeting Date: Jan. 8, 2018

Advertising Costs: \$ 115.44

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Keith N. Waheed Contact Number: 904-405-6625

Business (if applicable): _____

Address: 268 W. King St. City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Keith N. Waheed Contact Number: 904-405-6625

Business (if applicable): _____

Address: 268 W. King St. City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: Dancy Lot 18, of Lot of 2

Block: 19

Subdivision: Altavilla

Parcel Number: 112040-0000

4. PROJECT STREET ADDRESS: 268 W. King St.

5. SPECIFIC PROPOSED USE: Replace Old Single Family Home w/New single Family Home

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Above property owner wish to demolish old family home which was built in 1925 and in its place have a new single family modular home placed there. Home (new) will be built to withstand hurricane winds up to 150 miles per hour. The old single family home has been in my family for over 70 years. It is my only place of residence.

8. JUSTIFICATION FOR ACTION REQUESTED:

The above single family home is my only place of residence. It has been in this family and our place of residence for more than 70 years (and longer). It was built in 1925. The structure is old and has served its purpose as a place of residence for this family for more than 70 years. My new single family home will be a modern structure (modular home) built to all standard requirements and able to withstand 150 miles per hour winds. It is my only place of residence for me and my family and has been in my family for over 70 years.

RECEIVED

NOV 15 2018

Planning/Building Dept.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: _____
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: _____
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: _____
- (d) If granted, will the variance adversely affect other property in the area?
Please explain fully: _____
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

Kent W. Wakeel

Signature of Applicant

11-15-18

Date

Kent W. Wakeel

Signature of Property Owner

11-15-18

Date



RECEIVED

NOV 15 2010

Planning/Building Dept

CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Keith N. Waheed

Print name of applicant

Keith N. Waheed

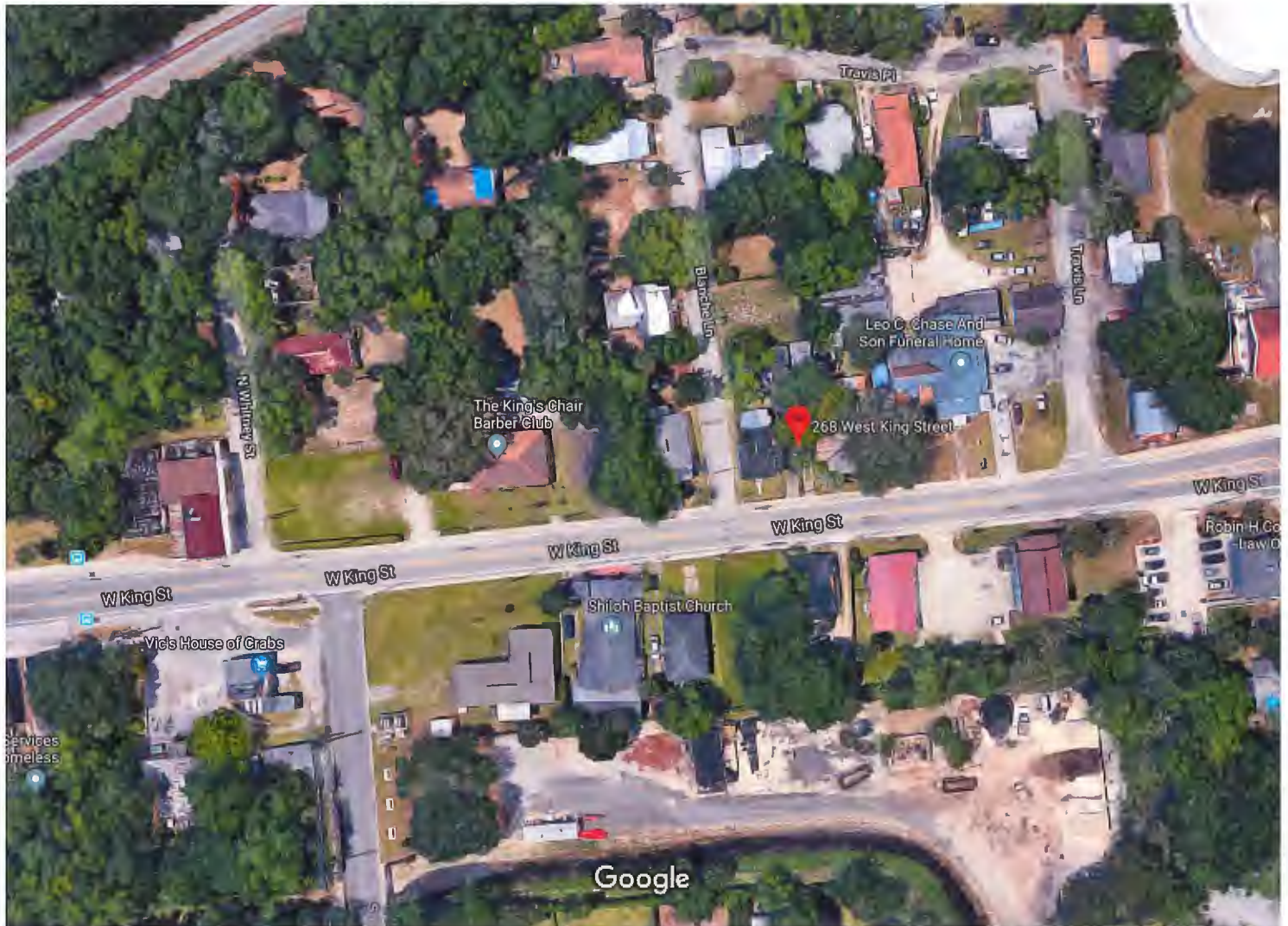
Signature of applicant

11-15-18

Date

Attachment 2
Location Map(s) /
Property Appraiser Info.

Google Maps 268 W King St



Imagery ©2018 Google, Map data ©2018 Google 50 ft



268 W King St

St. Augustine, FL 32084



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1120400000
Location Address 268 W KING ST
 SAINT AUGUSTINE 32084-0000
Neighborhood Dancy Tract (487)
Tax Description* 5-49 ALTAVILLA SUB OF BLK 19 DANCY LOT 18 OR1327/133(Q/C)
 *The Description above is not to be used on legal documents.
Property Use Code Single Family (0100)
Subdivision Altavilla Subdivision
Sec/Twp/Rng 41-7-29
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.110
Homestead N

View Map

Owner

Owner Name Waheed Keith Najee 100%
Mailing Address 265 W KING ST
 SAINT AUGUSTINE, FL 32084-0000

Valuation

	2019
Building Value	\$21,236
Extra Features Value	\$4,320
Total Land Value	\$7,893
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$33,449
Total Deferred	\$4,323
Assessed Value	\$29,126
Total Exemptions	\$0
Taxable Value	\$29,126

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$17,266	\$5,184	\$7,893	\$0	\$0	\$30,343	\$26,478	\$3,865	\$26,478
2017	\$14,219	\$3,686	\$6,166	\$0	\$0	\$24,071	\$24,071	\$0	\$24,071
2016	\$14,219	\$3,686	\$6,166	\$0	\$0	\$24,071	\$24,071	\$0	\$24,071
2015	\$14,219	\$3,686	\$6,166	\$0	\$0	\$24,071	\$24,071	\$0	\$24,071
2014	\$13,382	\$3,686	\$6,166	\$0	\$0	\$23,234	\$23,234	\$0	\$23,234
2013	\$13,382	\$3,686	\$6,166	\$0	\$0	\$23,234	\$23,234	\$0	\$23,234
2012	\$13,718	\$3,686	\$6,166	\$0	\$0	\$23,570	\$23,570	\$0	\$23,570
2011	\$14,386	\$3,686	\$18,499	\$0	\$0	\$36,571	\$36,571	\$0	\$36,571
2010	\$17,743	\$3,686	\$20,965	\$0	\$0	\$42,394	\$42,394	\$0	\$42,394

Building Information

Building 1
Actual Area 990
Conditioned Area 858
Actual Year Built 1925
Use Single Family Residence
Style 01
Class N
Exterior Wall Wood

Roof Structure Gable Hip
Roof Cover Composite Shingle, Metal
Interior Flooring Pine Wood, Sheet Vinyl
Interior Wall Drywall
Heating Type None
Heating Fuel
Air Conditioning Window
Baths 1

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%

Category	Type	Pct
Roofing Cover	Composite Shingle	80%
Roofing Cover	Metal	20%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	80%
Interior Flooring	Sheet Vinyl	20%
Heating Type	None	100%
Air Conditioning	Window	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	858	858
FINISHED OPEN PORCH	0	132
Total SqFt	858	990

Extra Features

Code Description	BLD	Length	Width	Height	Units
Garage Unfinished (Average)	0	0	0	0	480

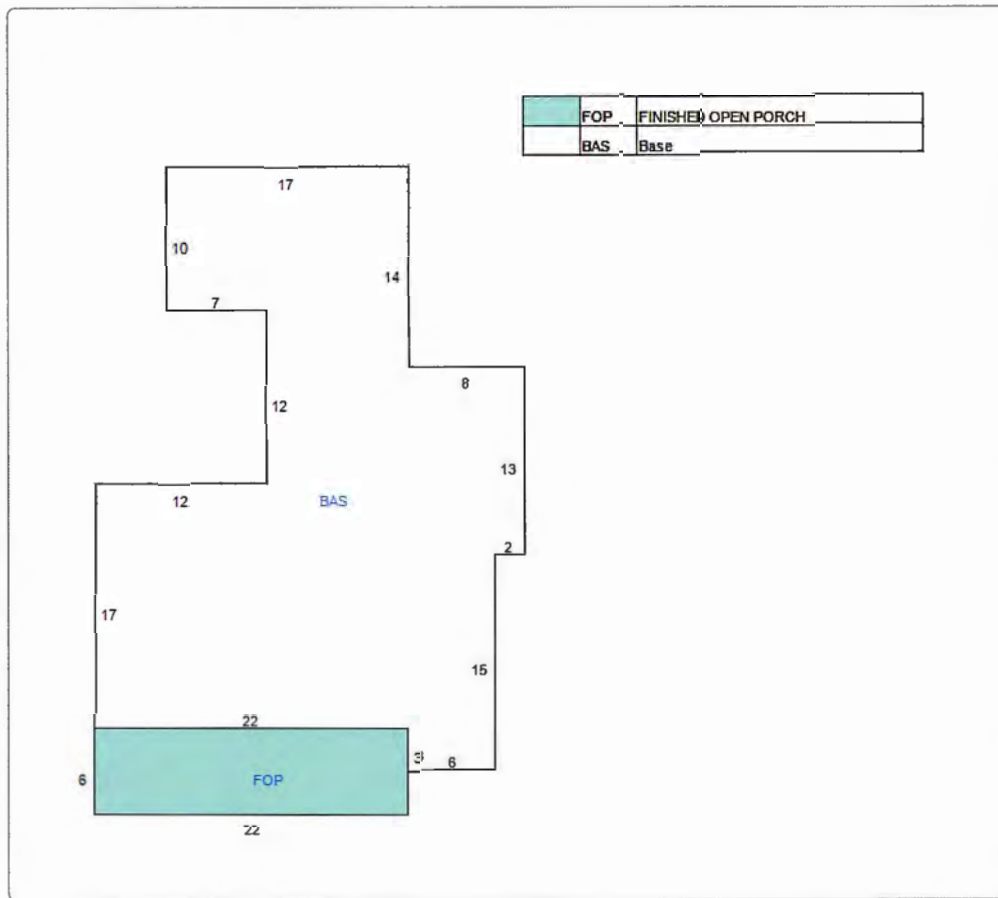
Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	43	100	4933	SF	\$7,893

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	4/6/1998	\$100.00	QC	1327	133	U	I	SPICER SANDRA G	WAHEED KEITH NAJEE
	12/10/1997	\$0.00	HR	1285	1117	U	I	MCKINNEY REBA ESTATE (SPICER KENNETH P/REP)	SPICER SANDRA G
	7/8/1997	\$0.00	OI	1253	1649	U	I	MCKINNEY REBA (DECD 5/11/96)	MCKINNEY REBA ESTATE (LETT OF ADMIN)
	5/2/1991	\$0.00	WL	1253	1643	U	I	MCKINNEY REBA	MCKINNEY REBA (WILL)

Area Sales Report
[Recent Sales in Area](#)
Clerk of Court
[Clerk of Court](#)
Tax Collector
[My Tax Bill](#)
Tax Estimator
[Tax Estimator](#)
Map**Sketches**

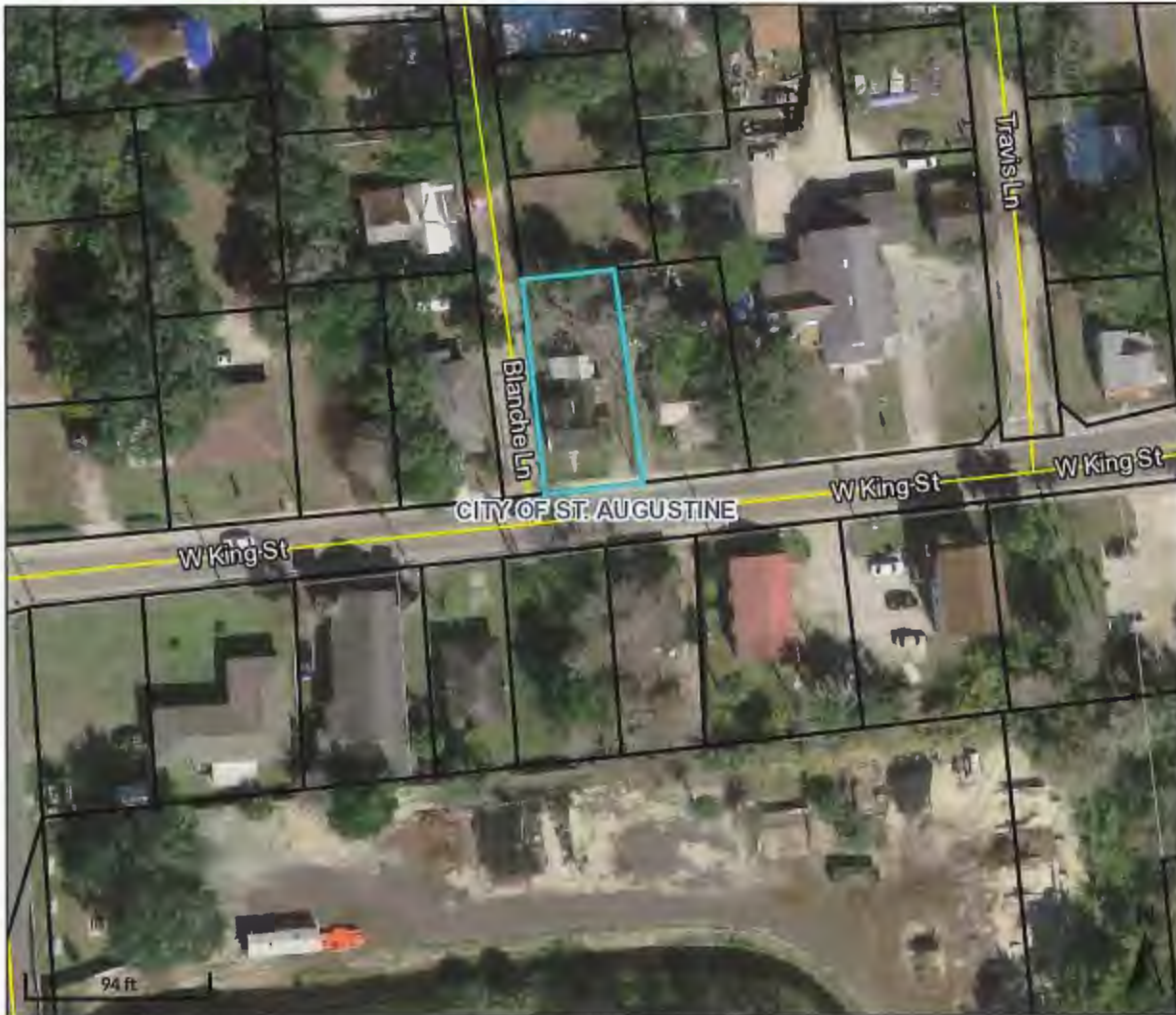


No data available for the following modules: Exemptions.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 11/16/2018, 12:00:41 AM

Developed by
 **Schneider**
GEOSPATIAL



Overview



Legend

- Parcels
- Cities

Parcel ID	1120400000	Physical Address	268 W KING ST	Building Value	\$21,236	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$4,320	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	265 W KING ST	Total Land Value	\$7,893	n/a	0	n/a	n/a
Acres	0.11		SAINT AUGUSTINE FL 32084-0000	Just Value	\$33,449	n/a	0	n/a	n/a
				Total Deferred	\$4,323				
				Assessed Value	\$29,126				
				Total Exemptions	N/A				
				Taxable Value	\$29,126				

Date created: 11/16/2018
Last Data Uploaded: 11/16/2018 12:00:41 AM

Developed by  Schneider
GEOSPATIAL

Attachment 3
Proposed Site Plan

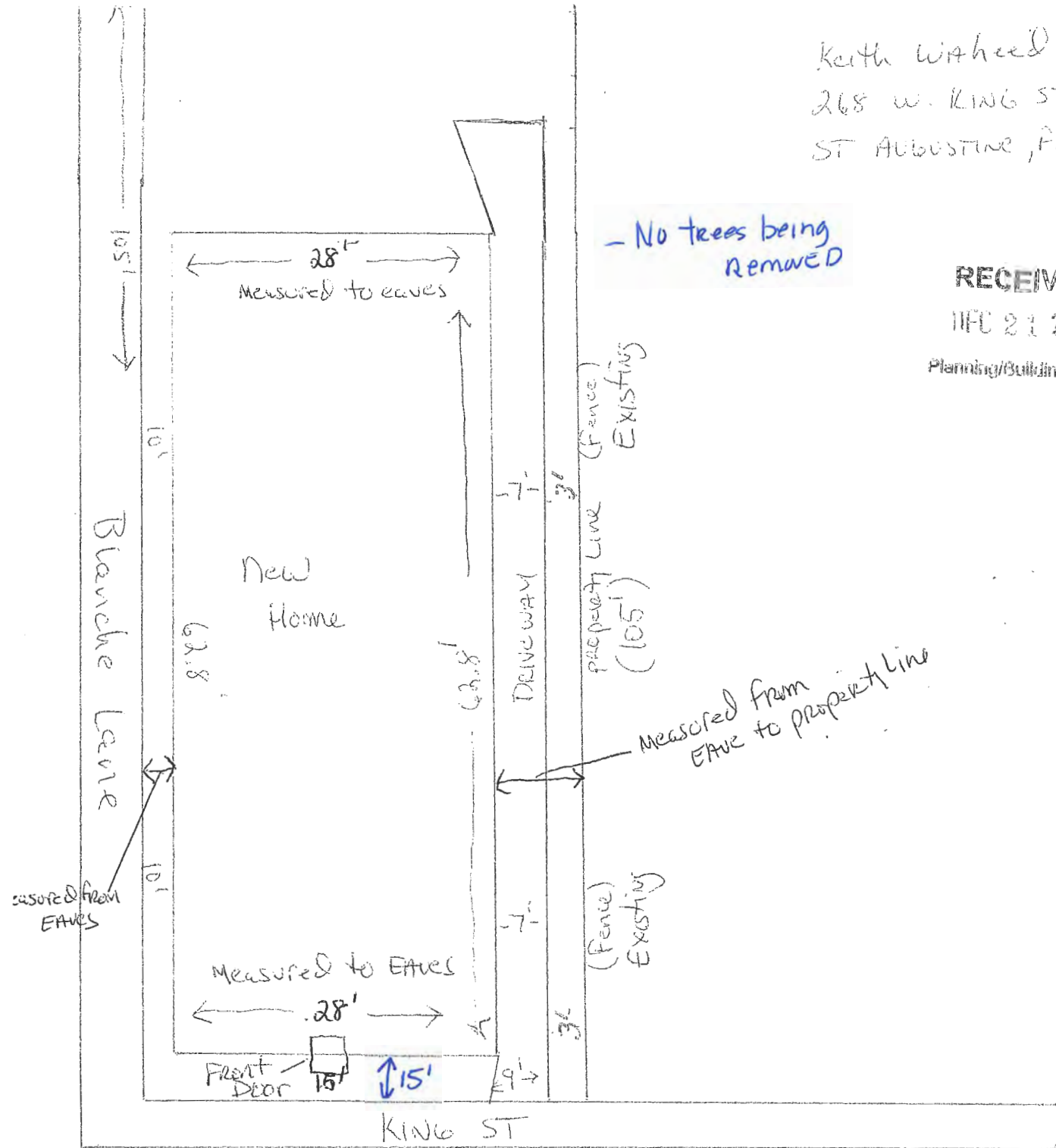
Keith W. W. W.
268 W. KING ST
ST AUGUSTINE, FL.

- No trees being removed

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WFC 21 2018

Planning/Building Dept

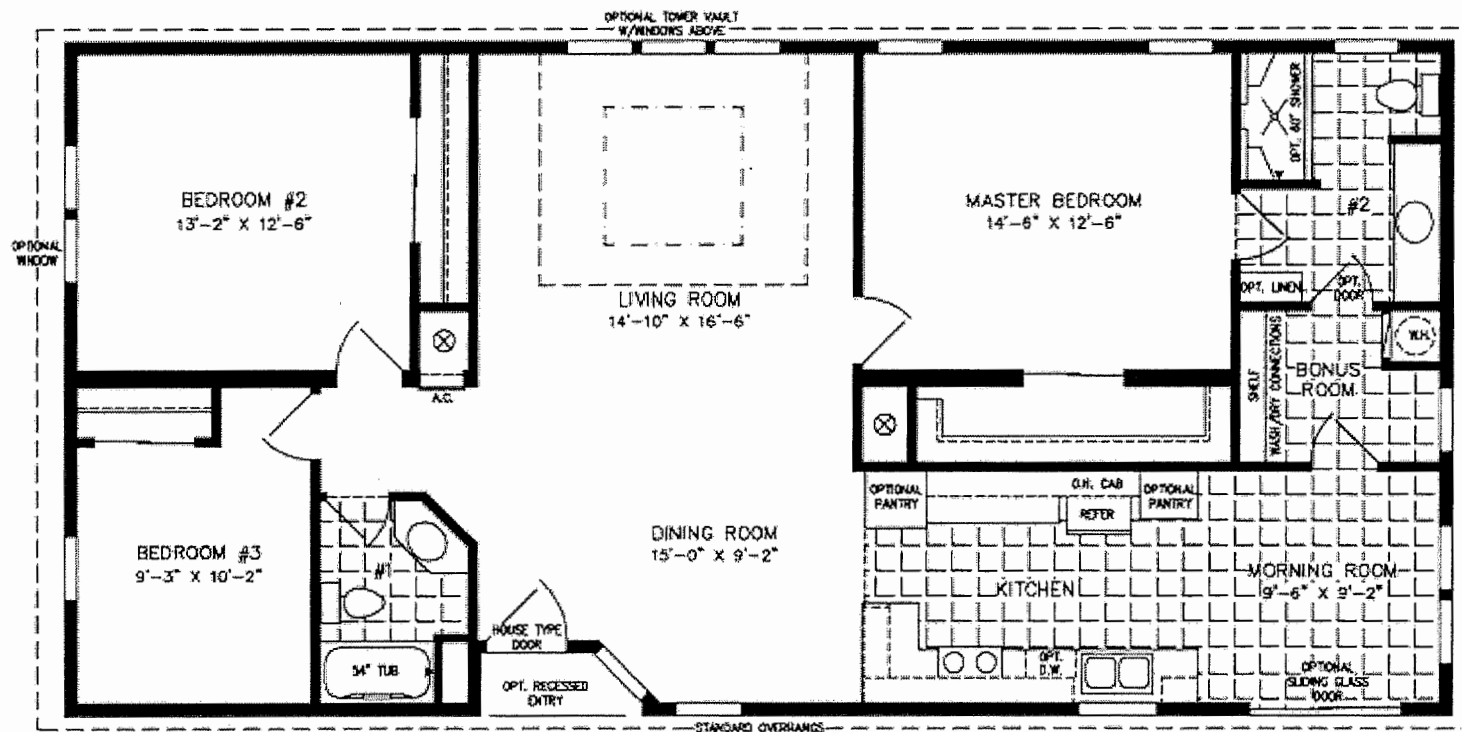


Property Dimensions 48' x 105'
Height of Home 22' 60.10'
Home Dimensions 26.8' x
Driveway Dimensions 7' x 75'

Lot sq Footage Approx-5040 sq ft
Allowable sq Footage for home Footprint-1764
Actual home sq ft - 1610.68
no trees to be removed
Front door to face King st

Attachment 4
Proposed Home Info.

The T N R



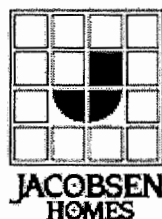
RECEIVED
DEC 19 2013
Planning/Building Dept.

28' X 54'-8"
1,458 SQUARE FEET

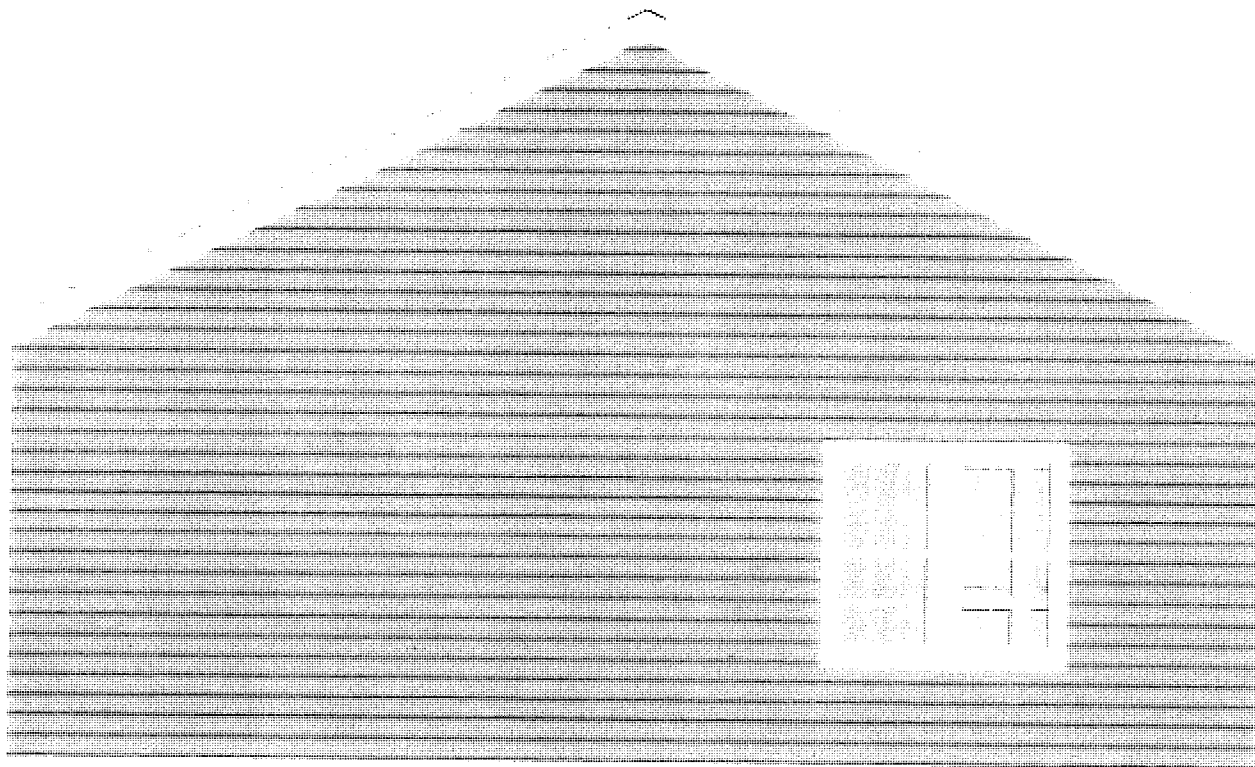
Model TNR-4544B

2012 (ALL SIZES ARE APPROX.)
DESIGNED FOR ZONES II & III

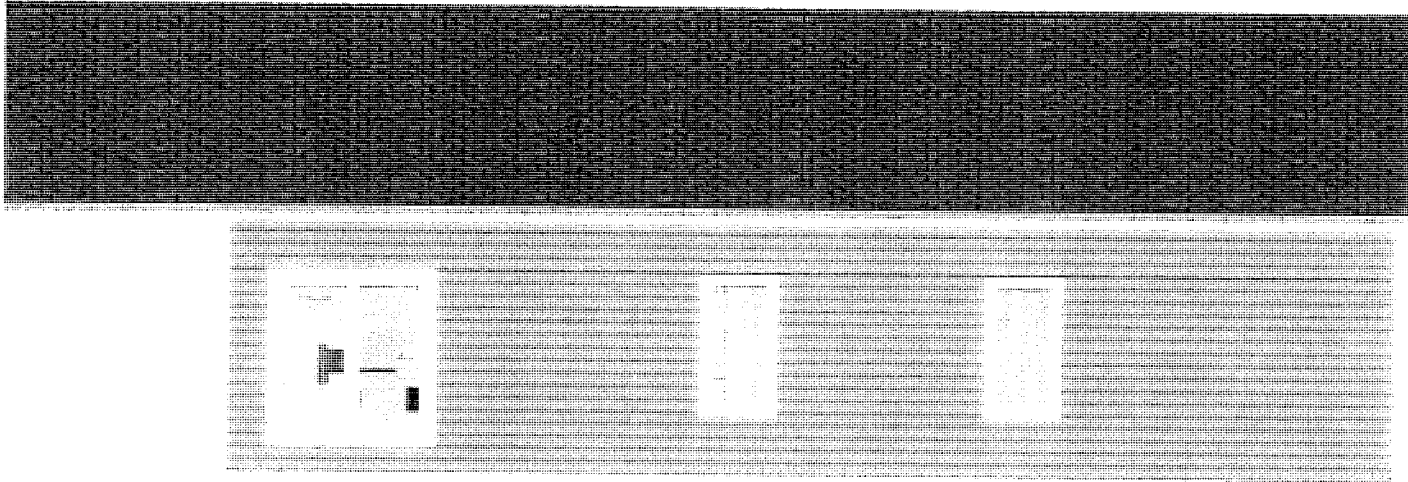
© 5-24-02



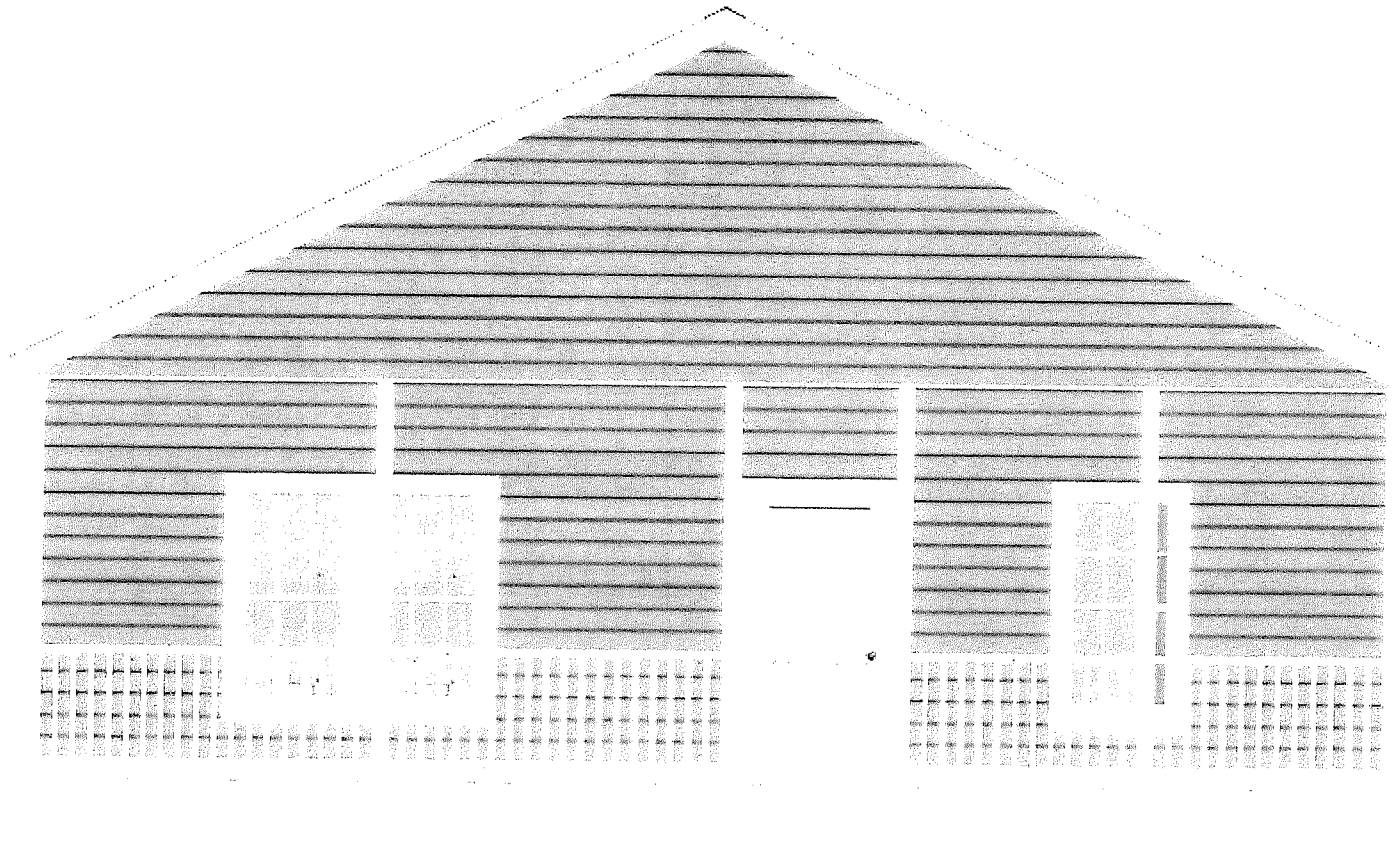
600 Packard Court ■ Safety Harbor, Florida 34695 ■ Telephone (727) 726-1138



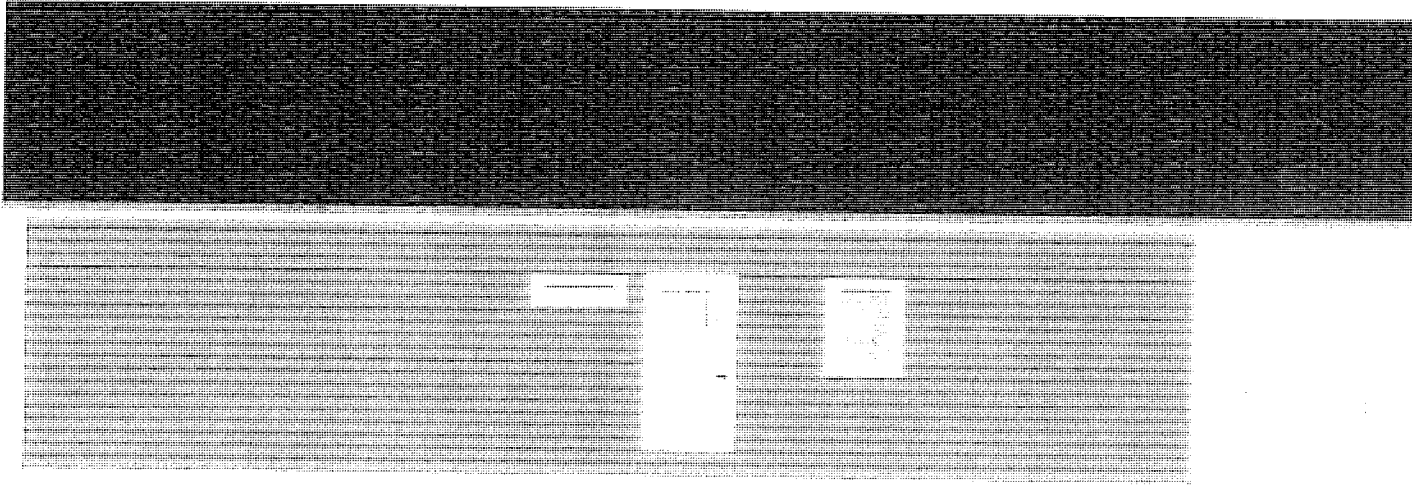
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DEC 19 2018
Planning/Building Dept.



RECEIVED
DEC 19 2018
Planning/Building Dept.



RECEIVED
DEC 19 2018
Planning/Building Dept.



RECEIVED

DEC 19 2018

Planning/Building Dept.





Attachment 5
Current Home Pictures



right side

268 King St

RECEIVED

DEC 21 2018

Planning/Building Dept.



Ceiling front porch

RECEIVED

DEC 21 2018

Planning/Building Dept.

268. W. King St.



left side

268 W. King St.

RECEIVED

DEC 21 2018

Planning/Building Dept.



rear

268 W. King St.

RECEIVED

DEC 21 2018

Planning/Building Dept.



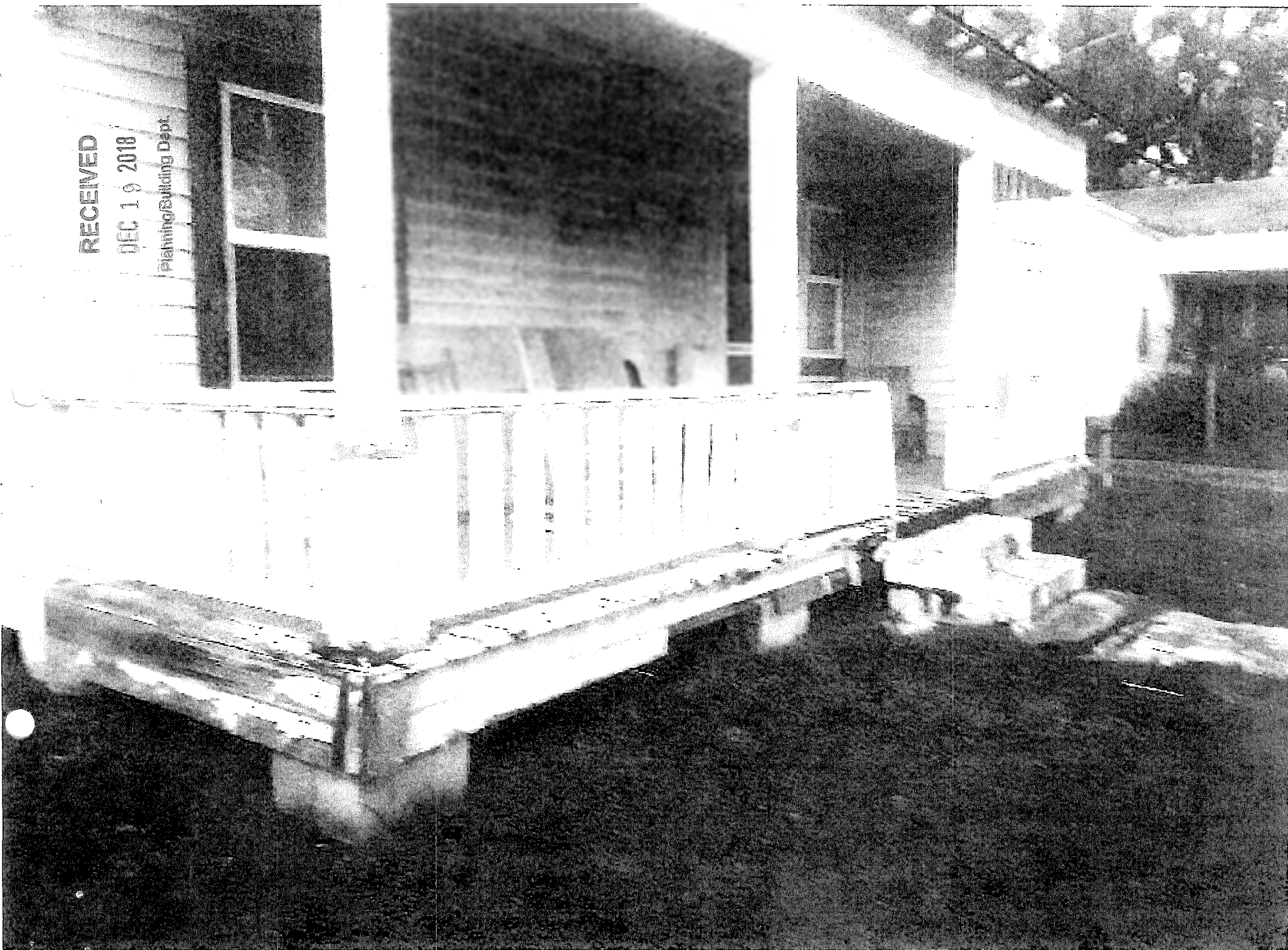
Front

268 W. King St

RECEIVED

DEC 21 2018

Planning/Building Dept.



Front

RECEIVED

DEC 19 2018

Planning/Building Dept.



Left Side

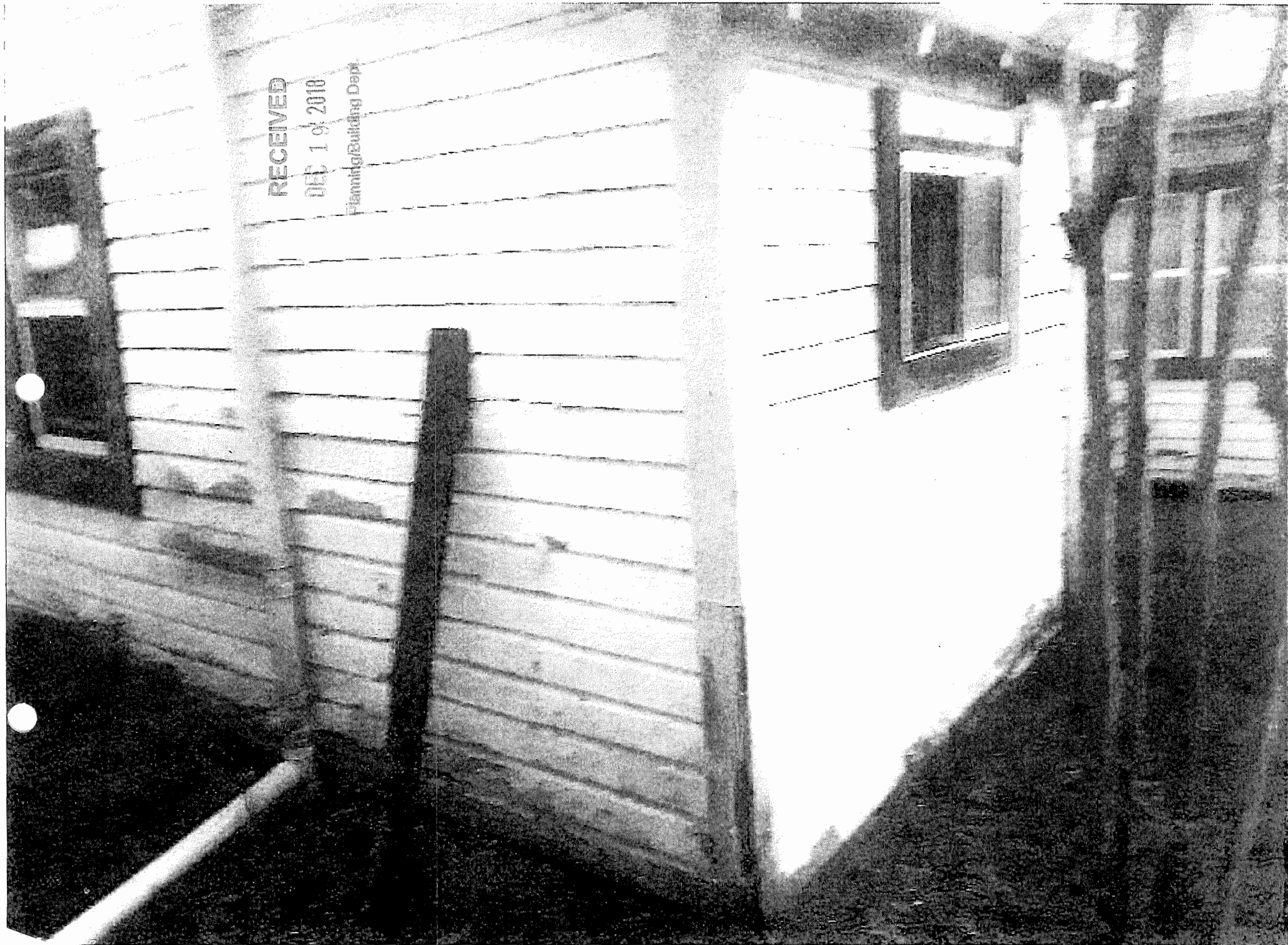


RECEIVED

DEC 19 2018

Planning/Building Dept.

Left Side-Rear



RECEIVED

DEC 19 2010

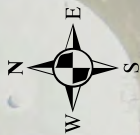
Planning/Building Dept.

Rear

Attachment 6

Zoning Map

Zoning Map



Legend

- City Limits
- Parcel
- road

Zoning District

<all other values>

LEGEND

- Residential Single-Family-One (RS-1)
- Residential Single-Family-Two (RS-2)
- Residential Low-One (RL-1)
- Residential General-One (RG-1)
- Residential General-Two (RG-2)
- Residential General Office (RGO)
- Residential General Office A (RGO-A)
- Open Land
- Historic Preservation (HP-1)
- Historic Preservation (HP-2)
- Historic Preservation (HP-3)
- Historic Preservation (HP-4)
- Historic Preservation (HP-5)
- Government Use
- Planned Unit Development (PUD)
- Commercial Low-One (CL-1)
- Commercial Low-Two (CL-2)
- Commercial Medium-One (CM-1)
- Commercial Medium-Two (CM-2)
- Commercial Tourist Attraction (CTA)
- Industrial and Warehousing (IW)
- Maritime Use (MU)
- No City Zoning Designation



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **VARIANCE #2018-0169**

AGENDA ITEM 6(a)

APPLICANT Jon Benoit C/o BEHST Builders, Inc.

OWNER Steve Jacobs

LOCATION 38 Water Street

To approve variances to increase building height from thirty (30) feet to thirty-two (32) feet, decrease roof pitch from 5/12 to 3/12, & encroach into the six point nine (6.9) foot setback for a proposed building addition.

PLANS DATED December 10, 2018

LAND USE Residential Low Density

ZONING Residential Single Family 1 (RS-1)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and

- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-119. - Nonconforming lots of record.

- (6) a. No side yard shall be less than ten (10) percent of the width of the lot, provided such side yard is not less than four (4) feet.

Sec. 28-160. - Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2).

... the allowable maximum height of structures of more than one story proposed for construction within single-family residential districts (RS-1...) on a non-conforming lot of record shall be thirty (30) feet, and such structures shall have a minimum roof pitch of 5/12...

STAFF SUMMARY AND ANALYSIS

The applicant requests three (3) variances to address building additions. First due to the new addition of dormers and balcony space the applicant seeks a variance to the minimum roof pitch for non-conforming lots as noted below:

Request	Min. Limit	Existing	Proposed
(Min) Roof Pitch	5/12	5/12	3/12

- This variance is as shown on the site plans (attachment 3) as denoted in green highlights.

Second the applicant requests a variance to the minimum 6.9 foot side setback along the north property line. This is due to the addition of new internal building space. Because of the non-conformity our Code allows for a setback at ten percent (10%) or four (4) feet whichever is greater, as noted below:

Request	Min. Limit	Existing	Proposed
(Min) North Side Setback	6.9 foot	5.4 foot	5.4 foot

- This variance is as shown on the site plans (attachment 3) as denoted in pink highlights.

Finally the applicant requests a variance to the maximum height for non-conforming lots in RS-1 zoning. This is due to the added roofline for the new internal building space. In particular, the applicant is proposing relief from the following standards:

Request	Max. Limit	Existing	Proposed
(Max) Height for Non-conforming RS-1 lot	30 feet	32 feet	32 feet

- This variance is as shown on the site plans (attachment 3) as denoted in blue highlights.

Staff interpretation of findings of fact in *italics*.

1. **Variance to allow for an increase in building height from thirty (30) feet to thirty-two (32) feet, decrease roof pitch from 5/12 to 3/12, & encroach into the six point nine (6.9) foot setback for a proposed building addition.**

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;
Staff believes there are singular disadvantages in this situation. The current physical conditions of the third (3rd) floor necessitate a higher height for the roof and any additions would need to be extended along this established thirty-two (32) foot height. Also, the physical condition of the current roof pitch at its highest point and the established 5/12 pitch requires the applicant to lower new roofing to a 3/12 pitch in order to allow for proper functionality of water runoff. Finally the physical location of the building, developed before there was zoning standards dictating setbacks, doesn't allow for the addition of features to improve the architectural design of the building.
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;
The larger homes present location and design on the lot makes it challenging to develop the site.
- c. This disadvantage does not exist because of conditions created by the owner or applicant;
The applicant did not originally construct the home and thereby did not create the disadvantage.
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.
Granting of the variance would not be contrary to the public interest or affect neighboring properties due to the nature of the request, their location, and the existence of items that currently do not meet zoning code standards such as building location and height. The spirit, intent, and purpose is for the building of a home and its accessory related uses therefore this is in harmony, intent, and purpose of this Section.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** variances to increase building height from thirty (30) feet to thirty-two (32) feet, decrease roof pitch from 5/12 to 3/12, & encroach into the six point nine (6.9) foot setback for a proposed building addition.

SUPPLIMENTS

Attachment 1 – Application & Applicant Information.
Attachment 2 – Location Maps / Property Appraiser Info.
Attachment 3 – Site Plan(s).

David Harrell, AICP
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Applicant Information



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

jonbenoit@behstbuilders.com

Application Fee: \$350 (plus advertising costs) Project Number: 2018-0169

Receipt Number: 1562503 Meeting Date: 01-08-19

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jon Benoit Contact Number: (904) 540-3065

Business (if applicable): BEHST Builders

Address: 900-D Anastasia Blvd, City: St. Aug. State: FL Zip: 32080

2. NAME OF PROPERTY OWNER: Steve Jacobs et al. Contact Number: _____

Business (if applicable): _____

Address: 38 Water St. City: St. Aug. State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 5 Block: 1

Subdivision: Abbott Tract Parcel Number: 195520-0000

4. PROJECT STREET ADDRESS: 38 Water St

5. SPECIFIC PROPOSED USE: Single Family - No Change

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____

RECEIVED

DEC 07 2018

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: Please see attached Cover letter.

- 1) Seeking variance from maximum height allowed in order to extend an existing roof ridge line for small addition.
- 2) Seeking variance from minimum roof pitch for one proposed shed dormer.
- 3) Seeking variance from side yard setback requirement for overhangs for a 7' section along north property line.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

- 1) W.R.T. the height, we are extending an existing ridge line that is grandfathered in.
- 2) W.R.T. the roof pitch, we are trying to accommodate an elevator to the third floor. Dormer is small part of overall roof.
- 3) W.R.T. the variance for setbacks, we are just extending on existing grandfathered wall 7' to create a more spacious kitchen.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: Yes - We are working to add to an existing house with grandfathered conditions.
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: House has been this way for decades. Third floor renovations in response to recent additions that have blocked long standing water views.
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: The variances help yield a cleaner, more desirable design inside and out.
- (d) If granted, will the variance adversely affect other property in the area?
Please explain fully: No. The proposed variances allow for a sensitive addition to modernize a kitchen and bathrooms and to provide handicap access to 3rd floor.
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: The height & pitch code requirements for non-conforming lots was intended to stop the construction of three story boxes on small lots. This is a small addition to an existing house.

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present,** and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

Signature of Applicant

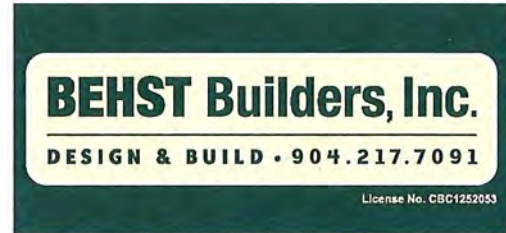
Date

Signature of Property Owner

Date

December 6, 2018

Mr. David Bircham
Director of Planning and Zoning
City of St. Augustine
75 King St.
St. Augustine, FL 32084



RE: Variance Request – 38 Water Street

Dear Mr. Bircham,

Please see the attached application to the Planning and Zoning Board requesting what the owner and design team feel are minor variances from existing zoning requirements for non-conforming lots. The existing single family residence was originally built in 1905. The current owners have been in the property since 2011. The house has seen minor renovations here and there but has not been substantially improved since its initial construction. The owners want to update the home with new a spacious kitchen, reconfigure some bedrooms and bathrooms to suit their needs, and regain some views of the water by renovating the third floor that is built into the roof. The owners would also like to add an elevator to the structure to facilitate “aging in place”.

With these design goals in mind and given the existing structure, the owner and the architect conceived of a design that tried to work with the constraints provided by the existing historic structure to come up with a sensitive remodel and addition that respects the existing house while yielding the spaces the owner could enjoy for years to come. Within this application, we are requesting three variances:

- 1) Building Height – We are requesting a variance in order to extend the existing primary roof ridge line approximately 7’ to the west. The existing house is 32’ tall with a primary ridge line running front to back, or east to west. We propose extending this ridge line to the west by about 7’. We are also adding dormers to the existing roof and the ridge lines of these dormers may just barely exceed the 30’ foot height restriction in the code.
- 2) Roof Pitch - The existing roof pitch is an 8/12 pitch. We are extending the ridge line and the roof to the rear matching to the 8/12 pitch. We are requesting a variance for a shed dormer on the north side of the house. We would like to install an elevator that would provide handicap access to the third floor to take advantage of some views to the inlet. Due to structural limitations and elevator framing requirements, we are proposing a shed dormer on this side of the house. This dormer is not as visible as the other two sides of the house. Code requires that all roofs on non-conforming lots have a minimum pitch of 5/12. We content that this code was not intended to limit use of dormers to compliment primary roof pitches.
- 3) Side Yard Setback – Side yard setbacks for non-conforming lots in RS-1 zoning are required to be 10% of the lot width. While the north wall of the existing house meets this setback

requirement, the overhangs do not meet this condition and therefore encroach on these intended setbacks. We intend to extend this wall an additional 7' which will extend this encroachment by the overhangs only another 7'. The intent with this little addition is to flush out the rear wall of the kitchen to provide for a clean open design in the kitchen area. The overhangs are typical 18" overhangs. Reducing the width of the addition to accommodate the setback creates design issues in both the kitchen and the proposed bedroom on the 2nd floor.

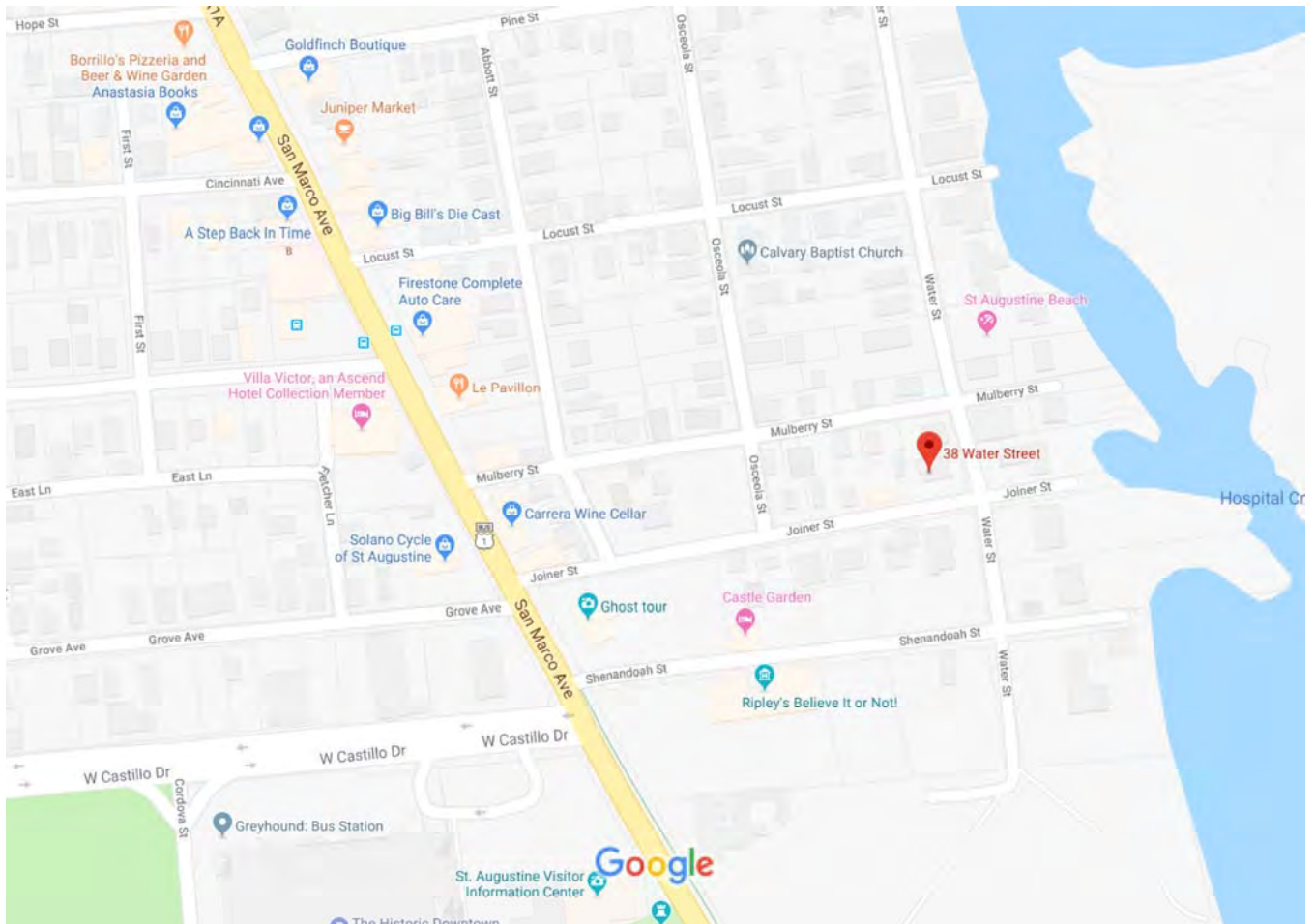
We look forward to discussing our application with the Planning and Zoning Board. It is our contention that these variances are required due to the unique nature of this property. We also contend that these variances are in harmony with the intent and purpose of the code. We feel the design is a sensitive alteration to an existing property to tailor the house to its owner without completely changing the character of the house. Materials for the addition are to blend in with the existing siding, soffits, and roofing in an effort to make a seamless transition between new and old. Thank you in advance for your time and service.

Sincerely,

Jon Benoit
BEHST Builders, Inc.
CBC1252053
900-D Anastasia Blvd.
St. Augustine, FL 32080
(904) 540-3065

Attachment 2
Location Map(s) /
Property Appraiser Info.

Google Maps 38 Water St



Map data ©2018 Google 100 ft



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1955200000
Location Address 38 WATER ST
 SAINT AUGUSTINE 32084-0000
Neighborhood Abbott Tract (606)
Tax Description* ABBOTT TRACT CITY S1/2 OF LOT 5 BLK I OR3472/1536 & 4391/1862(L/E)
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Abbott Tract
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.180
Homestead Y

View Map

Owner

Owner Name Jacobs Steven C *** 100%
 Lmj Trust Uad: 6-6-2017 100%
 Jacobs Steven C Trustee 0%
Mailing Address 38 WATER ST
 SAINT AUGUSTINE, FL 32084-0000

Valuation

	2019
Building Value	\$321,586
Extra Features Value	\$15,488
Total Land Value	\$287,385
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$624,459
Total Deferred	\$211,972
Assessed Value	\$412,487
Total Exemptions	\$50,000
Taxable Value	\$362,487

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$326,116	\$15,946	\$287,385	\$0	\$0	\$629,447	\$400,473	\$278,974	\$350,473
2017	\$306,864	\$11,763	\$229,908	\$0	\$0	\$548,535	\$392,236	\$206,299	\$342,236
2016	\$311,012	\$12,199	\$209,622	\$0	\$0	\$532,833	\$384,168	\$198,665	\$334,168
2015	\$263,503	\$12,929	\$167,360	\$0	\$0	\$443,792	\$381,498	\$112,294	\$331,498
2014	\$226,621	\$13,744	\$152,145	\$0	\$0	\$392,510	\$378,470	\$64,040	\$328,470
2013	\$222,397	\$14,561	\$152,145	\$0	\$0	\$389,103	\$372,877	\$66,226	\$322,877
2012	\$214,994	\$14,720	\$136,930	\$0	\$0	\$366,644	\$366,644	\$50,000	\$316,644
2011	\$201,642	\$15,014	\$152,145	\$0	\$0	\$368,801	\$368,801	\$0	\$368,801
2010	\$194,411	\$15,788	\$152,145	\$0	\$0	\$362,344	\$362,344	\$50,000	\$312,344

Exemptions

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building 1 **Roof Structure** Gable Hip

Actual Area 4109
 Conditioned Area 2669
 Actual Year Built 1905
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood

Roof Cover Composite Shingle
 Interior Flooring Hardwood, Carpet
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths 4.5

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	50%
Interior Flooring	Carpet	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	16 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Wind	2 Story Frame	100%

Description	Conditioned Area	Actual Area
FINISHED UPPER STORY	1293	1293
FINISHED OPEN PORCH	0	135
UNFINISHED BASEMENT	0	256
UNFINISHED ATTIC	0	144
FINISHED DECK	0	349
FINISHED DECK	0	72
BASE AREA	1376	1376
FINISHED OPEN PORCH	0	484
Total SqFt	2669	4109

Extra Features

Code Description	BLD	Length	Width	Height	Units
Garage Unfinished (Average)	0	0	0	0	320
Residential Fence	0	0	0	0	1
Pool (Concrete)	0	22	14	0	308
Kool Deck	0	0	0	0	466
Spa / Hot Tub	0	0	0	0	1

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	69	116	69	EF	\$287,385

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/20/2017	6/14/2017	\$100.00	WD	4391	1862	U	I	JACOBS STEVEN C	JACOBS STEVEN C ***
9/9/2011	9/9/2011	\$479,000.00	WD	3472	1536	Q	I	CROCKETTS PROPERTIES & MITCHELL MANAGEMENT INC	JACOBS STEVEN C
9/1/2011	8/30/2011	\$297,600.00	CT	3469	1959	U	I	PUCKETT LAURA ETAL/BY SJC COCC	CROCKETTS PROPERTIES & MITCHELL MANAGEMENT INC
	1/29/2010	\$0.00	LP	3284	727	U	I	SUNTRUST MORTGAGE INC	PUCKETT THOMAS B, LAURA S
	8/14/2002	\$100.00	CD	1802	26	U	I	HOWARD BETTY J	PUCKETT THOMAS B & LAURA S
	5/31/2002	\$475,000.00	WD	1769	1279	Q	I	HOWARD BETTY J TRUSTEE	PUCKETT THOMAS B & LAURA S
	2/10/2000	\$0.00	QC	1477	1882	U	I	HOWARD HUBERT C & BETTY J	HOWARD BETTY J TRUSTEE
	5/15/1997	\$215,000.00	WD	1241	1132	U	I	FNB PROPERTIES INC	HOWARD HUBERT C & BETTY J
	2/3/1997	\$100.00	CT	1223	414	U	I	BISHOP DIANNA E	FNB PROPERTIES INC
	10/1/1991	\$0.00	SA	910	1881	U	I	BISHOP DIANNA E	BISHOP DIANNA E
	5/1/1991	\$0.00		896	1388	U	I		BISHOP DIANNA E

Area Sales Report

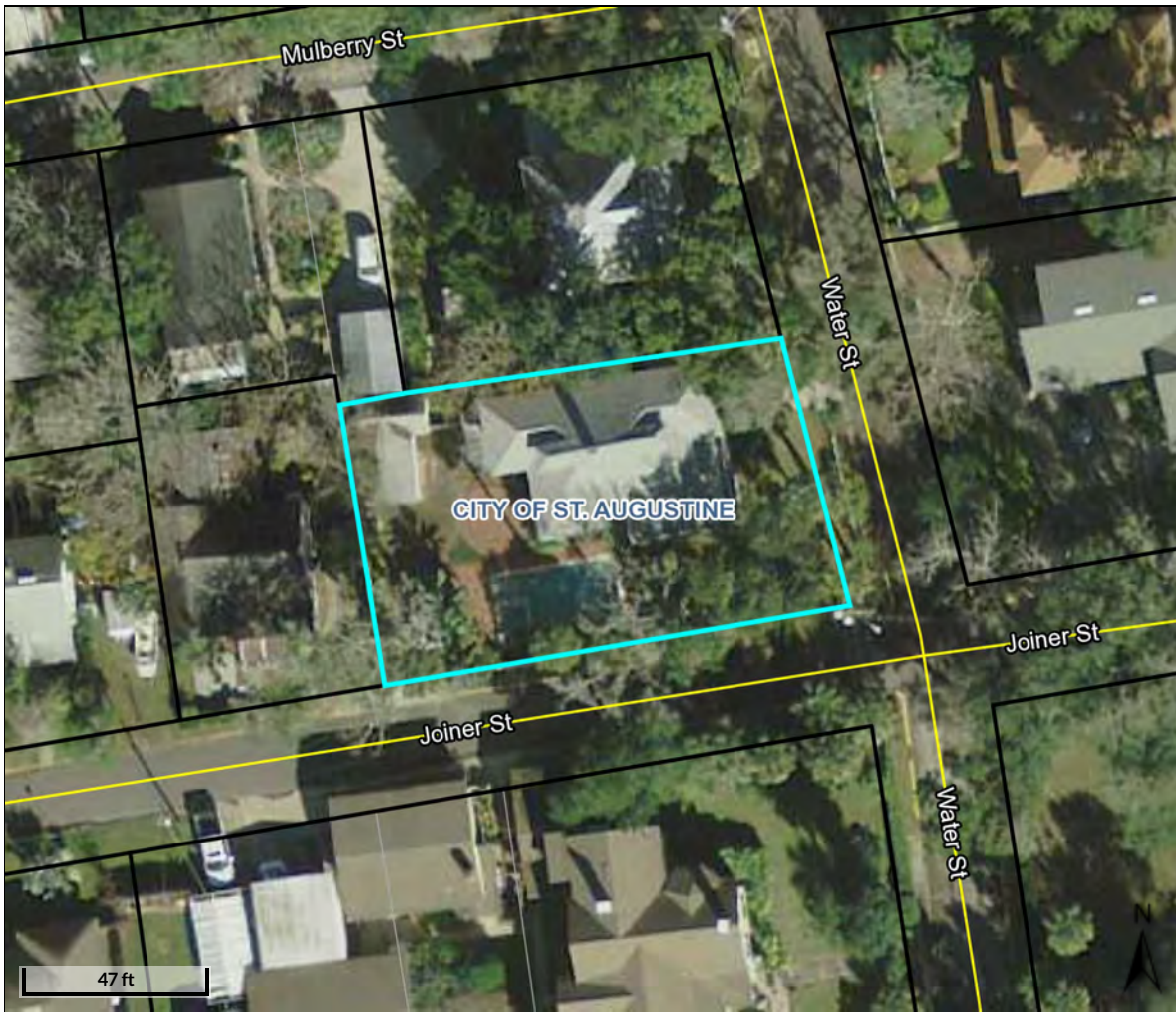
Recent Sales in Area

Clerk of Court

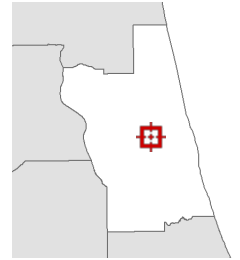
[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)



Overview



Legend

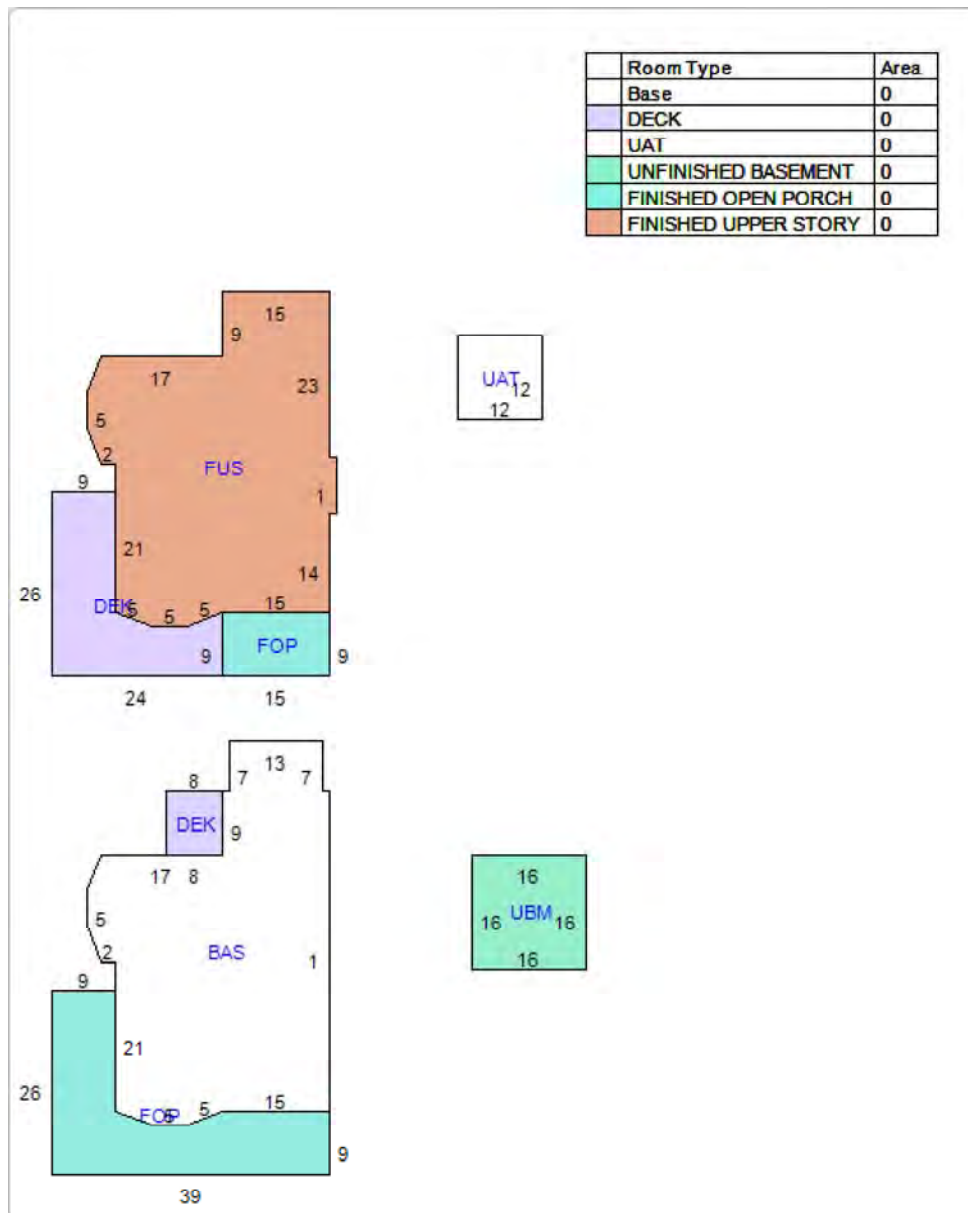
- Parcels
- Cities

Parcel ID	1955200000	Physical Address	38 WATER ST	Building Value	\$321,586	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$15,488	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	JACOBS STEVEN C ***	Total Land Value	\$287,385	9/9/2011	\$479000	01	Q
Acres	0.18		38 WATER ST	Just Value	\$624,459	8/30/2011	\$297600	11	U
			SAINT AUGUSTINE FL 32084-0000	Total Deferred	\$211,972				
				Assessed Value	\$412,487				
				Total Exemptions	\$50,000				
				Taxable Value	\$362,487				

Date created: 12/20/2018

Last Data Uploaded: 12/19/2018 10:51:54 PM

Developed by  **Schneider**
GEOSPATIAL



The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

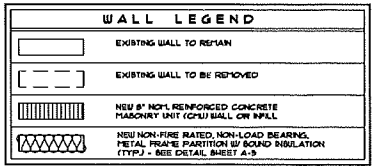
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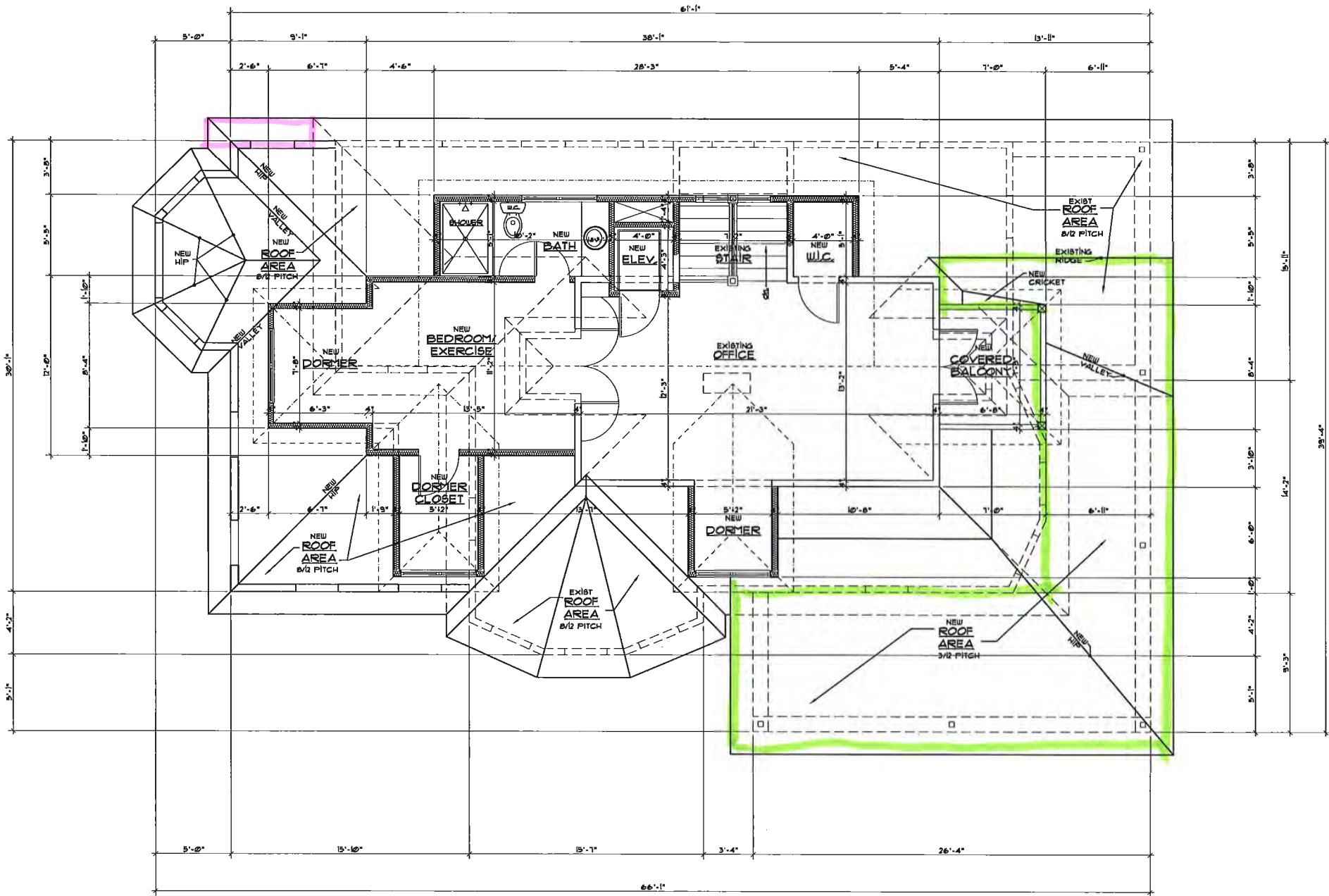
Developed by



Attachment 3

Site Plan(s)





THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROJECT #
18-11

DRAWN BY: D.M.P.
DATE: 26-JUNE-2018
CHECKED BY: W.G.S.

REVISIONS:

STORRS ARCHITECT, P.A.

1888 SOUTHEAST THIRD AVENUE FORT LAUDERDALE, FLORIDA

ADDITIONS & ALTERATIONS to the JACOBS RESIDENCE
98 WATER STREET ST. AUGUSTINE, FLORIDA

TEL: (954) 585-0089
FAX: (954) 585-0109
E MAIL: storrsarchitect@bellsouth.net

AA # F000095
AR # 0010971

AREA OF SET BACK VARIANCE



SCALE: 1/4" = 1'-0"



A-4

DRAWN BY: D.M.P.

DATE: 26-JUNE-2018

DATE: 26-JUNE-2018

DATE: 26-JUNE-2018

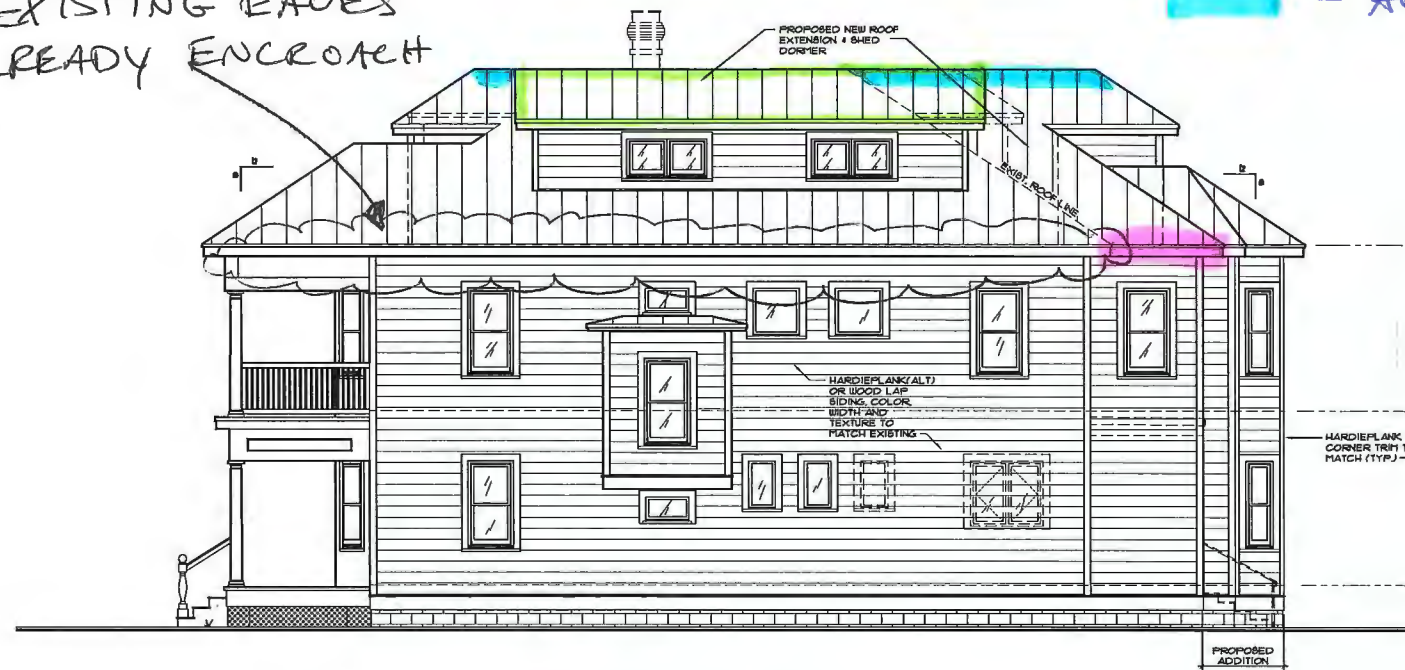
ADDITIONS & ALTERATIONS

TEL: (954) 525-0069
FAX: (954) 525-0109
E MAIL: stonnsarchitect@bellsouth.net

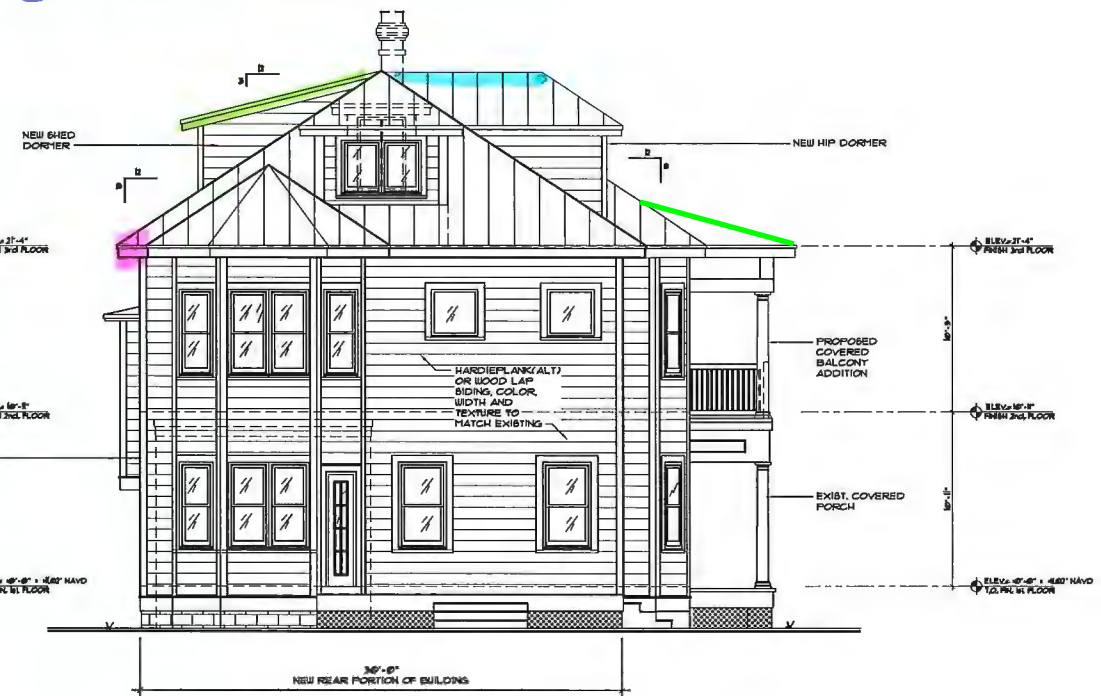
AA # F000095
AA # 0010971

EXISTING EAVES
ALREADY ENCROACH

- AREA OF ROOF PITCH VARIANCE
- AREA OF SETBACK VARIANCE
- AREA OF ROOF HEIGHT VARIANCE



NORTH ELEVATION
SCALE = 3/8" = 1'-0"



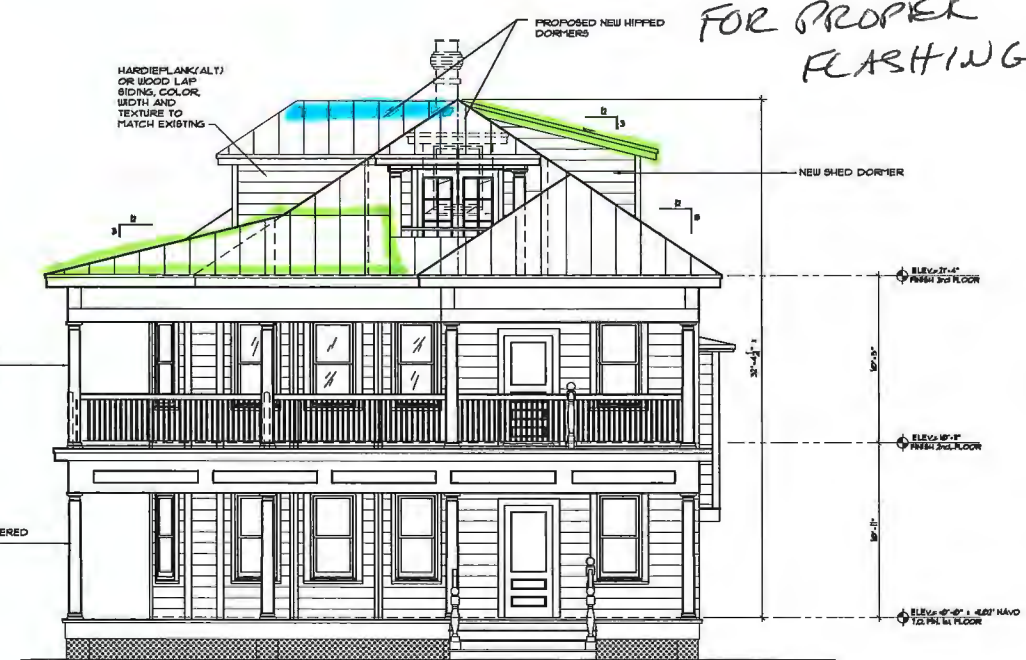
WEST ELEVATION
SCALE = 3/8" = 1'-0"

EXISTING RIDGE
ALREADY @
32' HEIGHT

DORMERS FINISH
@ 31' HEIGHT
FOR PROPER
FLASHING



SOUTH ELEVATION
SCALE = 3/8" = 1'-0"



EAST ELEVATION
SCALE = 3/8" = 1'-0"

STORRS ARCHITECT, P.A.
1895 SOUTHEAST THIRD AVENUE FORT LAUDERDALE, FLORIDA

ADDITIONS & ALTERATIONS to the JACOBS RESIDENCE
38 WATER STREET ST. AUGUSTINE, FLORIDA

TEL: (954) 555-0088
FAX: (954) 555-0109
E MAIL: storrsarchitect@bellsouth.net

AA # F000085
AR # 0010871

SHEET
A6

PROJECT #
18-11

DRAWN BY: DMP

DATE: 28-JUNE-2018

CHECKED BY: WGA

REVISIONS:

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2018-0073**

AGENDA ITEM 7(a)

APPLICANT Bart D. Piniaz

OWNER Carlapooh LLC

LOCATION 121 Spoonbill Point Court

REQUEST To approve removal of more than fifty (50) percent of the tree canopy, including twelve (12) preserved trees (Cedars) within Conservation Overlay Zone 3.

PLANS DATED November 5, 2018

LAND USE Residential Low Density

ZONING Residential Single Family-two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
 - (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
 - (2) Fifty (50) percent of the tree canopy on the site is retained.
- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
 - (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a preserved tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing to remove more than fifty percent (50%) of the tree canopy which will consist of twelve (12) preserved Cedar trees for a proposed single family home. A tree survey has been included which indicates the location and diameter of all trees, include retention and removal. However it appears that removal of trees located in the front and west side yard may be excessive in nature but there is no arborist report to verify the need to remove these trees. In staff's opinion the applicant also needs more time to modify the application in order to show the following:

1. Show at least ten (10) Cedar trees retained or planted on the property, this is a requirement of a variance granted in 1995. The current plan only shows four (4) being retained and no plantings, and
2. An arborist report has not been provided which would indicate the health and structure of the trees, and
3. Applicant's interpretation of the seven (7) findings of fact within City Code.

Staff review time was within the five (5) day review window as allowed by Code.

1. Conservation Overlay Zone 3 Development to remove a preserved tree(s).

The application includes the construction of a new site for apartments. In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
No arborist report has been provided to show this information.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
Some of the removals appear to be necessary to construct a home on the property however some of the trees towards the front and side yards seem to be excessive in nature without an arborist report to verify necessity of the removal.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
Since the site will be developed issues related to erosion will be lessened, soil moisture retention will be enhanced when construction plans are submitted with irrigation showing watering locations, increased surface water will result from the development however preservation or any additional vegetation should help. The site will also be required to adhere to City Codes regarding development and the Pelican Reef subdivision does have its own drainage system in place.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The neighborhood does have a mature tree canopy and removal of trees would thin this canopy. Without an arborist report to verify needed removal, some of the removal may be unnecessary.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.
Several of the trees being removed are protected trees; the applicant is removing more than preserving.
- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization. – *Any new construction must retain surface water.*
 - Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
 - Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology but it should be restored and in better condition with any additional plantings or preservation.*
 - Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
 - Air movement. – *This project should not affect air movement.*
 - Air quality. – *This project should not affect air quality.*
 - Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known. However some nesting species will have more space to nest.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
It appears the applicant may be able to modify improvements to save some trees on the property, in particular the front and side yards. However an arborist report is needed to verify the tree structures and health for preservation related purposes.

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **CONTINUE** removal of more than fifty (50) percent of the tree canopy, including twelve (12) preserved trees (Cedars) within Conservation Overlay Zone 3 at 121 Spoonbill Point Court.

SUPPLIMENTS

Attachment 1 – Application

Attachment 2 – Location Maps

Attachment 3 – Property Appraiser Information

Attachment 4 – Arborist Report

Attachment 5 - Tree Removal Plan

David Harrell, AICP

Senior Development Review Planner

Planning & Building Department

Note: Pelican Reef is a gated community. If you would like access to the project site, please call the applicant directly to make the arrangements.

Applicant: Bart D. Piniaz

Contact: 180 State Road 207, Saint Augustine, FL 32084;
(904) 502-2610

Attachment 1
Application



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

bpini2@hotmail.com

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NOV 05 2018

Planning/Building Dept

Application Fee: 165.00 (plus advertising costs) Project Number: 2018-0153

Receipt Number: 1480129 Meeting Date: 12/04/18

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: BART D PERIAZ Contact Number: 904 502-2610

Business (if applicable): _____

Address: 180 SR 207 City: ST AUGUSTINE State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: CARLA POOT LLC Contact Number: 904 495-5511

Business (if applicable): _____

Address: 213 CATHERINE DR City: ST AUGUSTINE State: FL Zip: 32080

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 9 Block: 6

Subdivision: PELICAN REEF Parcel Number: 1585716090

4. PROJECT STREET ADDRESS: 121 SPOONBILL CT, ST AUGUSTINE, FL 32080

5. SPECIFIC PROPOSED USE: RESIDENTIAL

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: REMOVE OF TREES WITHIN
THE FOOT PRINT OF PROPOSED NEW CONSTRUCTION

8. JUSTIFICATION FOR ACTION REQUESTED: TREES ARE IN THE CENTER
OF THE LOT, CANNOT BUILD WITHOUT REMOVE A FEW TREES

BPINI2@HOTMAIL.COM

NOV 05 2018

Planning/Building Dept

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: YES, TREES ARE IN THE PROPOSED FOOTPRINT
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: YES, TREES HAVE BEEN ON LOT LONG BEFORE PURCHASE OF THE LOT.
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: YES, A HOME CANNOT BE DESIGNED WITH CURRENT TREES
- (d) If granted, will the variance adversely affect other property in the area?
Please explain fully: NO, EVERY HOME BUILT IN THE AREA REQUIRED TREE REMOVAL
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: YES, TREES CAN BE REPLANTED IF REQUIRED. THERE IS ENOUGH TREES LEFT THAT CODE REQUIREMENT IS MET, BUT MORE CAN BE ADDED

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present,** and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

Signature of Applicant

11/4/18

Date

Signature of Property Owner

11/1/18

Date



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NOV 05 2018

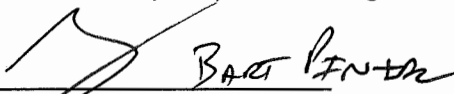
Planning/Building Dept.

**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

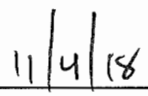
The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.



Print name of applicant



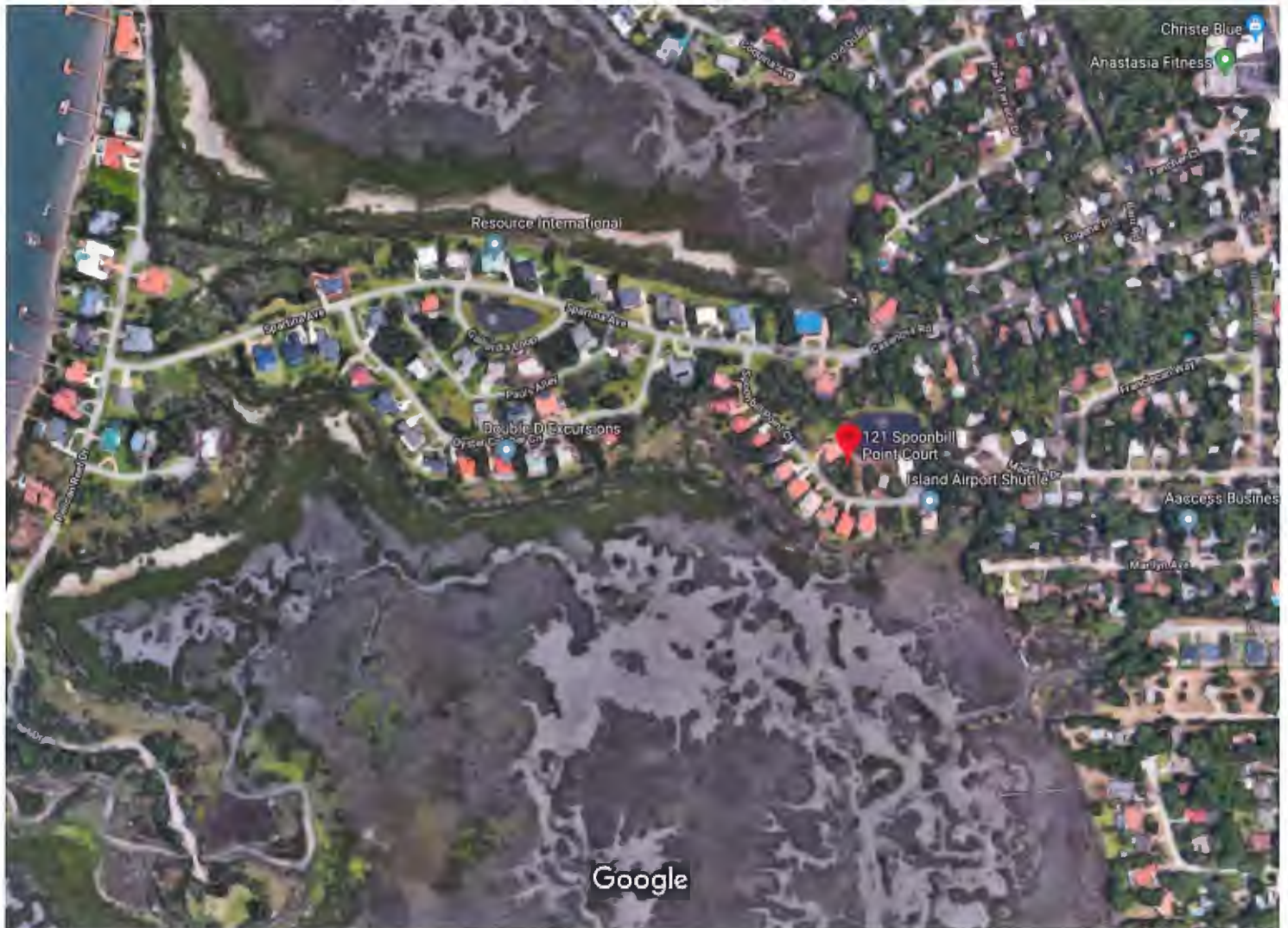
Signature of applicant



Date

Attachment 2
Location Maps

Google Maps 121 Spoonbill Point Ct



Imagery ©2018 Google, Map data ©2018 Google 200 ft



121 Spoonbill Point Ct

St Augustine, FL 32080



VPG5+8H St Augustine, Florida

Attachment 3

Property Appraiser Information



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)
[Proposed Hx](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1585716090
Location Address 121 SPOONBILL POINT CT
 SAINT AUGUSTINE 32080-0000
Neighborhood Pelican Reef (628)
Tax Description* 49/55-59 PELICAN REEF IV LOT 9 BLK 6 OR4145/1020
 *The Description above is not to be used on legal documents.
Property Use Code Vacant Residential (0000)
Subdivision Pelican Reef IV
Sec/Twp/Rng 21-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.210
Homestead N

View Map

Owner

Owner Name Carlapoo LLC 100%
Mailing Address 813 CAPTAINS DR
 SAINT AUGUSTINE, FL 32080-0000

Valuation

	2018
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$70,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$70,000
Total Deferred	\$0
Assessed Value	\$70,000
Total Exemptions	\$0
Taxable Value	\$70,000

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$0	\$0	\$0	\$70,000	\$70,000	\$0	\$70,000
2017	\$0	\$0	\$70,000	\$0	\$0	\$70,000	\$70,000	\$0	\$70,000
2016	\$0	\$0	\$60,000	\$0	\$0	\$60,000	\$58,564	\$1,436	\$58,564
2015	\$0	\$0	\$55,000	\$0	\$0	\$55,000	\$53,240	\$1,760	\$53,240
2014	\$0	\$0	\$55,000	\$0	\$0	\$55,000	\$48,400	\$6,600	\$48,400
2013	\$0	\$0	\$55,000	\$0	\$0	\$55,000	\$44,000	\$11,000	\$44,000
2012	\$0	\$0	\$40,000	\$0	\$0	\$40,000	\$40,000	\$0	\$40,000
2011	\$0	\$0	\$43,650	\$0	\$0	\$43,650	\$43,650	\$0	\$43,650
2010	\$0	\$0	\$48,500	\$0	\$0	\$48,500	\$48,500	\$0	\$48,500

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$70,000

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/3/2016	1/28/2016	\$85,000.00	WD	4145	1020	Q	V	FINDLAN DANIEL T & PATRICIA	CARLAPOOH LLC
	5/13/2005	\$200,000.00	WD	2439	563	Q	V	GREXA PETER	FINDLAN DANIEL T & PATRICIA
	6/21/2004	\$98,000.00	WD	2228	479	U	V	THOMPSON BROS REALTY INC & PIERRE THOMPSON	GREXA PETER

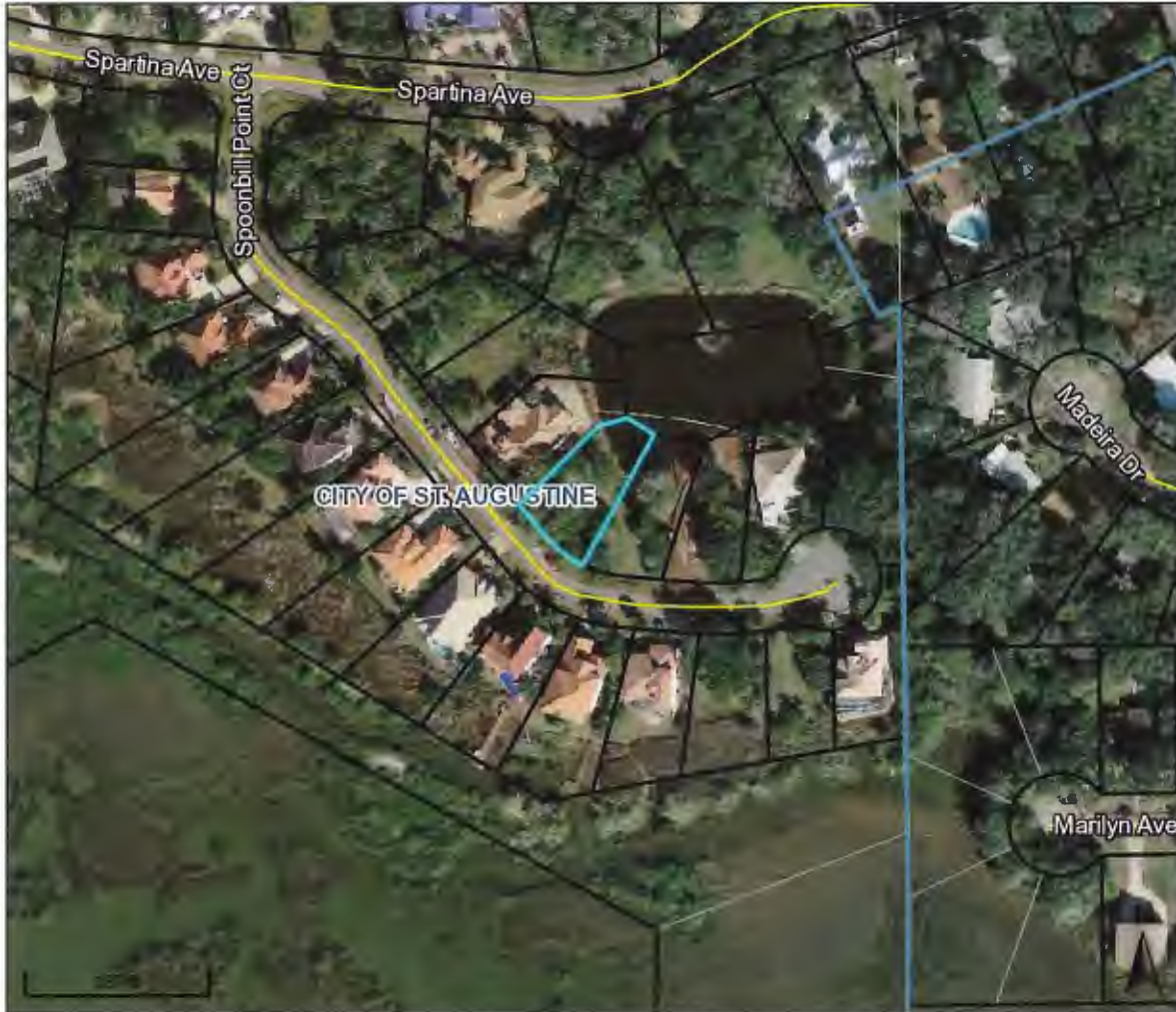
Area Sales Report
[Recent Sales in Area](#)
Clerk of Court
[Clerk of Court](#)
Tax Collector
[My Tax Bill](#)
Tax Estimator
[Tax Estimator](#)
Map

No data available for the following modules: Exemptions, Building Information, Extra Features, Sketches.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 11/6/2018, 3:02:08 PM

Developed by
 **Schneider**
 GEOSPATIAL



Overview



Legend

- Parcels
- Cities

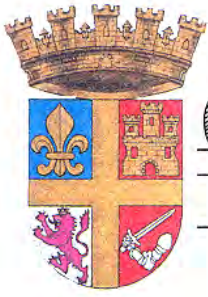
Parcel ID	1585716090	Physical Address	121 SPOONBILL POINT CT	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	CARLAPOOH LLC	Total Land Value	\$70,000	1/28/2016	\$85000	01	Q
Acres	0.21		813 CAPTAINS DR	Just Value	\$70,000	5/13/2005	\$200000	01	Q
			SAINT AUGUSTINE FL	Total Deferred	N/A				
			32080-0000	Assessed Value	\$70,000				
				Total	N/A				
				Exemptions					
				Taxable Value	\$70,000				

Date created: 11/6/2018

Last Data Uploaded: 11/6/2018 3:11:57 PM

Developed by  **Schneider**
GEOSPATIAL

Attachment 4
Arborist Report



City of St. Augustine



St. Augustine, Florida

Planning/Building

November 26, 2018

RE: Arborist Report for 121 Spoonbill Point Court

Planning & Zoning Board:

Staff has asked the applicant to provide an arborist report but none was provided to us.

David Harrell, AICP
Senior Development Review Planner
Planning and Building Department
904-209-4331 Direct
dharrell@citystaug.com

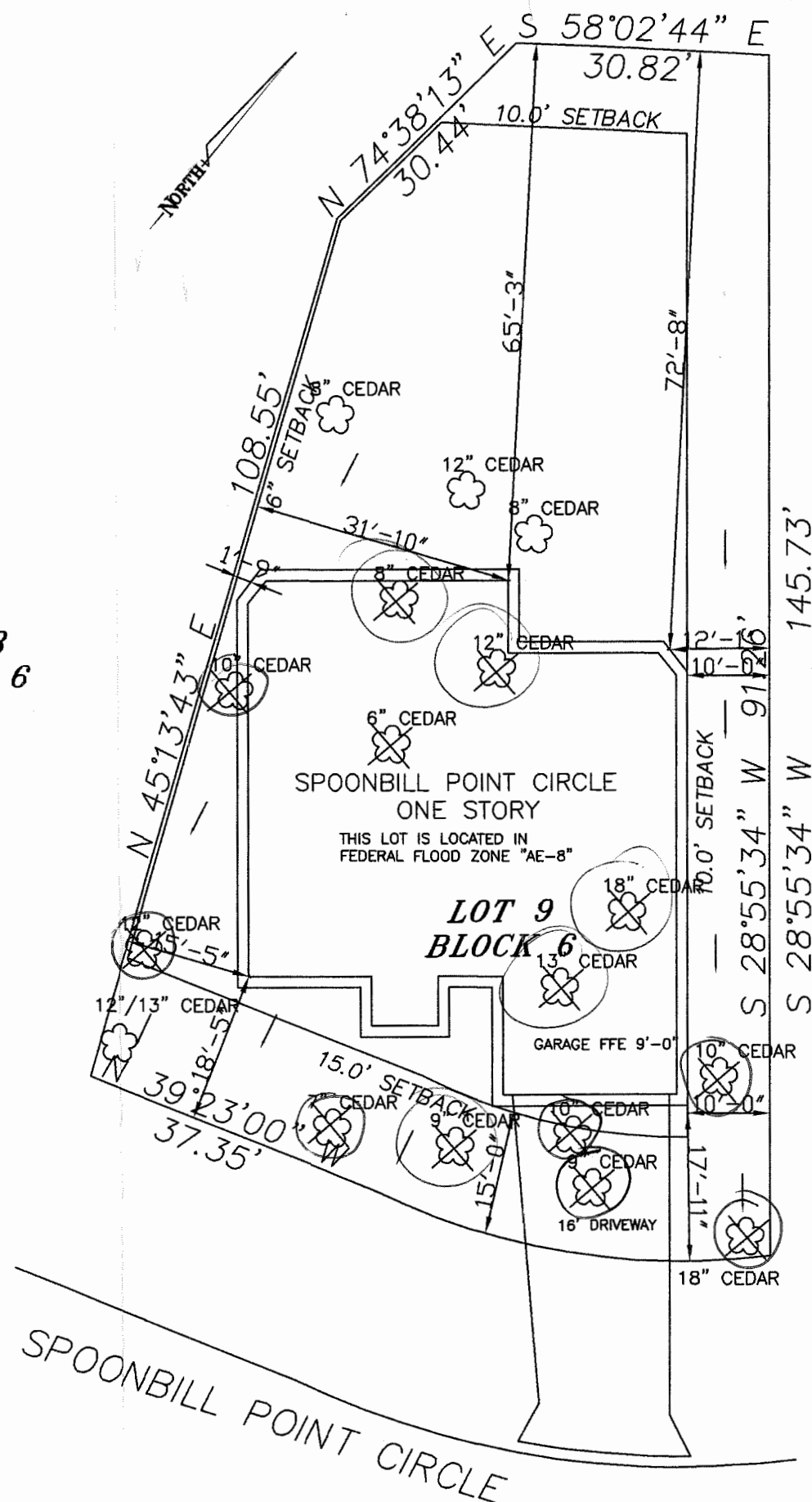
Attachment 5
Site & Tree Removal Plans

70% OF TREES TO BE CANOPY TYPE WITH NO MORE THAN 50% OF ONE SPECIES AND 50% MUST BE NATIVE. LAND DEVELOPMENT CODE 4.01.05.E1.

DRIVEWAY CULVERT WILL MEET THE REQUIREMENTS OF THE LDC, SECTION 6.04.07L.3, OR SWALE WILL BE PROVIDED IN COORDINATION WITH ST. JOHNS COUNTY ROAD AND BRIDGE.

*LOT 8
BLOCK 6*

FRONT	15'
WEST SIDE	6"
EAST SIDE	10'
REAR	10'


$$\begin{matrix} L \\ B1 \end{matrix}$$

General Notes

RECEIVED

NOV 05 2018

Planning/Budgeting Dept.

No.	Revision/Issue	D
-----	----------------	---

BP Builders, INC

COMMERCIAL*RESIDENTIAL*NEW
CONSTRUCTION*REMODEL
WWW.BPBuildersinc.COM
(904) 392-3007

121 SPOONBILL POINT
St. Augustine, FL
32080

Sheet	7	Drawn By	EAD
Date	4.10.2017		
Scale	NTS		

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2018-0152**

AGENDA ITEM 4(b)

APPLICANT Ryan Carter c/o Carter Environmental Services, Inc.

OWNER St. Marks Development Authority

LOCATION 709 S. Ponce De Leon Blvd.

REQUEST To approve a proposed dock within Conservation Overlay Zone 1, proposed retaining wall, building, and site improvements in Conservation Overlay Zone 2, and removal of preserved tree(s) within Conservation Overlay Zone 3.

PLANS DATED November

LAND USE Commercial Medium Intensity

ZONING Commercial Medium Two (CM-2)

APPLICABLE CODES/ORDINANCES

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead, or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
 - (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or

(2) Fifty (50) percent of the tree canopy on the site is retained.

(d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29 Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:
- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
 - (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.

- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions.
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

(17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

(d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

(1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
- e. Whether the tree has been designated a preserved tree.
- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

The applicant is seeking to add a bulkhead and get re-approval for a dock, site improvements, tree removal, and landscaping plans for a redevelopment of this site. Originally these items were approved by the Board in October, 2017 and were to expire in October, 2018. Our code allows for two (2) independent ninety (90) day extensions to be granted by the Building Official and in October, 2018 the first ninety (90) day extension was granted by the Official. Another ninety (90) day extension could be granted but that would only guarantee project viability until April 2019. Since there is a new applicant involved in the process and bulkhead being added to the plans it was decided to process these items under a new application and seek a new approval.

Conservation Overlay Zone 1 Development past the water line (dock and bulkhead).

The total dock consists of a walkway 100 feet in length from shore and consist of a 100 feet length along the water. Items such as the walkway will be five (5) feet wide. Staff believes the new dock would enhance the vistas and scenic opportunities by being similar in layout and design as the neighboring docks. The proposed bulkhead will be located one (1) foot inward from the present mean high water line and will extend the length of the property for a distance of 330 feet.

Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria (*Staff analysis in italics*)

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
- (1) Site specific conditions: *The site is an already developed area with a natural buffer at this point. The applicant has indicated a bulkhead and docks exists on the neighboring lots. The site doesn't have a dock or bulkhead at this time.*
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones. *It is located within a commercial area on the San Sebastian River where both neighboring properties are bulk headed and docks exist in the area.*
 - (3) Natural and proposed drainage patterns. *Drainage patterns may actually improve since features would be built into the bulkheads to better drain water without erosion. The dock shouldn't affect drainage patterns at all.*
 - (4) Effect of point and nonpoint discharge in the marine environment. *This is just a dock and any discharges would be negligible in nature. A bulkhead would reduce non-point discharges into the environment.*
 - (5) Proposed soil stabilization and erosion control methods. *Those will be provided during construction within plans.*
 - (6) Impact on floodplain. *Unknown however since the bulkhead is moving in one (1) foot from the current floodway, this will be increased by one (1) foot in size allowing more water storage. The dock would have no impact.*

- (7) Impact of development on vegetative and animal communities. *An uplands built bulkhead should have no significant impact to either community. A dock may have impact during construction but will mostly be over the water. This may allow the vegetation to persist under the dock.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. *N/A*
- (9) Effect of shade on vegetation and shellfish. *A bulkhead should have no effecting on shading while a dock would affect shading in the area. However the affects should be minimal in relation to the other docks in the area.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. *Shoreline erosion would be diminished with the installation of a bulkhead. The installation of a commercial dock could increase boat traffic however the area is known for commercial docks and affects are not fully known.*
- (11) Impact of development on shoreline by linear feet and percent of site. *The proposed dock will impact 100 feet of the site based on present layout, the percentage of the shoreline is not known but could be high in nature. The bulkhead will be built along the entire property shoreline.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. *The bulkhead impact on vistas and scenic opportunities would be minimal in nature since bulkheads exist on the neighboring site according to the applicant. The proposed dock would be within the view-shed but built close to the water to help with the impact.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. *N/A*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. *This should be negligible due to the dock size with no impact from the bulkhead.*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.) *This should be negligible due to the dock size and the bulkhead will be required to get approval from the SJRWMD.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. *Unknown at this time.*
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar

structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck. *Proposed dock appears to meet all standards.*

Conservation Overlay Zone 2, Development of the building & site improvements

Since the bulkhead is being added to the site there is no need for the Board to approve the building and site improvements. Our Code allows for any improvements to be approved by this Department.

Conservation Overlay Zone 3, Development to remove a preserved tree(s).

The applicant is proposing only to remove one (1) preserved twenty-eight inch (28”) Live Oak from the site. This removal must be approved by the Board since it is a preserved tree. An older arborist report has been provided by the applicant which indicates this tree is in relative good condition.

In determining whether or not a permit required by this section should be issued, the PZB shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
According to the Arborist report, the removed tree is in good condition. However its current location is in close proximity to the building and site improvements.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
In order to facilitate better site access it is necessary to remove the tree.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
Since there are many trees being preserved at the site the effects of erosion, soil moisture retention, division, surface water, and drainage changes should not happen.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
The applicant is preserving more than removing trees. This should lead to a better tree coverage and increase marketable property values when the smaller Live Oaks in the plans continue to grow.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.
This is a preserved tree being removed per this proposal.
- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization. – *Any new construction must retain surface water.*
Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
Ecological impacts. – *The removal of the tree should not substantially affect ecology.*
Noise pollution. – *The removal of the tree should not increase noise pollution.*
Air movement. – *This project should not affect air movement.*
Air quality. – *This project should not affect air quality/*
Wildlife habitat. – *The removal of the tree should not substantially affect habitat.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed. *In order to facilitate better access to the parking area it is necessary to remove the preserved tree. To allow for access in other areas would require the removal of more trees on the site.*

The number of debits for tree removal is - 2 debits

The number of credits for tree preservation is + 135 credits.

The number of credits for tree plantings (incl. relocation) is Zero (0)

The number of remaining credits after calculating tree preservation and plantings: + 133 credits.

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a proposed dock and retaining wall within Conservation Overlay Zone 1 and removal of a preserved tree within Conservation Overlay Zone 3 located at 709 S. Ponce De Leon Boulevard.

SUPPLIMENTS

Attachment 1 – Application
Attachment 2 – Location Maps
Attachment 3 – Property Appraiser Info.
Attachment 4 – Proposed Development Info.
Attachment 5 - Proposed Dock Info.
Attachment 6 – Tree Removal/Landscape/Site Plan Info.
Attachment 7 – Arborist Report
Attachment 8 – Site Photos
Attachment 9 – Previous Approval

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application

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Planning/Building Dept.

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Ryan@Carterenv.com

Application Fee: \$330

BDAC Project No. 2018-0152

Receipt No. 1479198

Meeting Date: Dec 4, 2018

Advertising Fees \$184.20

PLEASE PRINT OR TYPE

Recpt. 1490609 paid on 11/20/18

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786

Business (if applicable): Carter Environmental Services, Inc.

Address: 7 Waldo Street, Suite 7C City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: St. Marks Development Authority, Inc. Daytime Telephone: _____

Business (if applicable): _____

Address: 499 International Golf Parkway City: St. Augustine State: FL Zip: 32095

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: 48 - 55

Block: B

Subdivision: Andalucia Parque

Parcel Number: 1275400000

4. PROJECT STREET ADDRESS: 709 S Ponce de Leon Blvd

5. SPECIFIC PROPOSED USE: Proposed bulkhead; and extension of existing dock and tree removal approvals

6. ACTION REQUESTED

☐ Exception

☐ Appeal of Staff Determination

☐ Rezoning

☐ Variance

☐ Land Use Plan Amendment

☒ Conservation Zone Development

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

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9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?

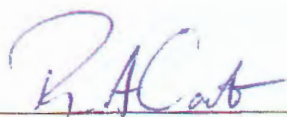
☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

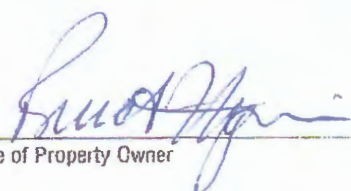
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12. 
Signature of Applicant

11-1-18
Date

13. 
Signature of Property Owner

11/2/18
Date

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CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

R. A. Carter

Signature of applicant

11-1-18

Date



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
FISH ISLAND DEVELOPMENT, L.L.C.

Filing Information

Document Number	L01000003185
FEI/EIN Number	59-3702187
Date Filed	03/01/2001
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	05/14/2003
Event Effective Date	NONE

Principal Address

10175 Fortune Parkway
Suite 703
Jacksonville, FL 32256

Changed: 04/07/2015

Mailing Address

10175 Fortune Parkway
Suite 703
Jacksonville, FL 32256

Changed: 04/07/2015

Registered Agent Name & Address

YOUNG, JAMES R
10175 Fortune Parkway
Suite 703
Jacksonville, FL 32256

Name Changed: 06/03/2002

Address Changed: 04/07/2015

Authorized Person(s) Detail

Name & Address

Title MGRM

YOUNG LAND GROUP, INC.
 10175 Fortune Parkway
 Suite 703
 Jacksonville, FL 32256

Annual Reports

Report Year	Filed Date
2016	03/28/2016
2017	04/27/2017
2018	01/16/2018

Document Images

01/16/2018 -- ANNUAL REPORT	View image in PDF format
04/27/2017 -- ANNUAL REPORT	View image in PDF format
03/28/2016 -- ANNUAL REPORT	View image in PDF format
04/07/2015 -- ANNUAL REPORT	View image in PDF format
03/26/2014 -- ANNUAL REPORT	View image in PDF format
03/20/2013 -- ANNUAL REPORT	View image in PDF format
01/24/2012 -- ANNUAL REPORT	View image in PDF format
02/24/2011 -- ANNUAL REPORT	View image in PDF format
03/29/2010 -- ANNUAL REPORT	View image in PDF format
03/19/2009 -- ANNUAL REPORT	View image in PDF format
04/01/2008 -- ANNUAL REPORT	View image in PDF format
04/30/2007 -- ANNUAL REPORT	View image in PDF format
04/14/2006 -- ANNUAL REPORT	View image in PDF format
03/11/2005 -- ANNUAL REPORT	View image in PDF format
03/10/2004 -- ANNUAL REPORT	View image in PDF format
05/14/2003 -- Amendment	View image in PDF format
03/04/2003 -- ANNUAL REPORT	View image in PDF format
06/03/2002 -- ANNUAL REPORT	View image in PDF format
03/01/2001 -- Florida Limited Liabilites	View image in PDF format



7 Waldo Street St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

December 27, 2018

David Harrell, AICP
Senior Development Review Planner
Planning and Building Department
904-209-4331 Direct
dharrell@citystaug.com

Subject: RAI Response
709 S. Ponce De Leon
Conservation Overlay 1-3 (2018-0153).

Dear Mr. Harrell:

This letter and attachments respond to your November 8, 2018 request for additional information. Below are our responses to your requests in **bold**. Also, as previously discussed, we're requesting the validity of the Planning and Zoning Boards (PZB) approval to be five years, not one.

1. Staff would suggest an updated arborists report outlining the type, size, condition, and professional opinion of the impact of the development on the trees be provided with the application. Make sure the arborist report provides a number or letter for each tree and this numbering or lettering system is included on the site plan and it matches the report. This may involve submitting a new site plan. Please let me know if you do or don't desire to provide this information.

Please see the attached arborist report, tree assessment map and concept plan with tree assessment overlay from September 2017. An updated arborist report is unnecessary. This property is maintained; therefore, there are no changes to tree types or conditions. Further, since it's been approximately 13 months since this arborist report was completed, any change in tree size is negligible. We are not submitting a new site plan.

2. Explanation of the impacts on letterhead as to the criteria outlined below per City Code for the removal of trees in COZ 3:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

Details of this are addressed in the attached arborist's report.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

The removal of the one 28-inch Live Oak Tree is necessary to construct the required parking expansion. The new layout keeps nearly all of the trees onsite, while replacing the building and adding additional



public benefit.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

This area is relatively flat. The location where the one tree will be removed, is proposed to be paved as a parking lot. This will be accompanied by stormwater management that complies with all local, state and federal regulations. The adjacent pervious surfaces will further be landscaped and maintained addition additional erosion abatement.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

Not applicable.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

The tree is not a specimen tree. It has a 28-inch Diameter at Breast Height (DBH). However, it is protected under City code and will be mitigated for accordingly.

- f. Impact upon the urban and natural environment, including:
 - 1. Ground and surface water stabilization.
 - 2. Water quality and aquifer recharge.
 - 3. Ecological impacts.
 - 4. Noise pollution.
 - 5. Air movement.
 - 6. Air quality.
 - 7. Wildlife habitat.

The removal of the tree will not pose any adverse effect to water quantity/quality. It will result in the loss of one 28" DBH live oak or 2 tree credits, which could serve as habitat for birds, insects and mammals such as squirrels or racoon. 763.5 inches or 135 tree credits will remain on-site (see Matthews Design Group Concept Plan attached). Negligible impact would occur relating to noise pollution, air quality, or air movement. The removal of the tree will be fully mitigated according to City regulations.



- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

Expansion of parking and a stormwater retention pond is required for the size of the proposed use. Through multiple design iterations, we believe the current plan demonstrates avoidance and minimization of tree impacts to the furthest extent possible.

3. Provide schematics showing design of bulkhead.

See attached Figure 4 – “Bulkhead Typical Cross-Section.”

4. Please provide legible (minimum 11x17 plans) concept plans in order to confirm zoning, parking, and landscaping requirements. Also show the COZ 2 line on the site plans; this is 100’ landward of the wetlands line. Additional comments may follow.

Refer to the attached concept plan including parking and landscaping requirements. See the attached Figure 3 – “Proposed Site Conditions.” For location of the COZ 2 line.

I trust that this information is sufficient for the City to finalize the processing of our application. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Ryan A. Carter". The signature is stylized with a large, sweeping initial "R" and a cursive "A" and "Carter".

Ryan A. Carter, PWS
Vice President

Attachment 2
Location Maps



Legend

Project Area +/- 1.34 ac.



Sources: ESRI Streets Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



7 Waldo Street
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map 709 S. Ponce de Leon Blvd.

Project: 5.18253

St. Johns County, FL

Date: Oct 30 2018

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Figure:

1

Planning & Design Dept.

Google Maps 709 S Ponce De Leon Blvd



Imagery ©2018 Google, Map data ©2018 Google 100 ft



709 S Ponce De Leon Blvd
St Augustine, FL 32084

Attachment 3
Property Appraiser Info.



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)
[Proposed Hx](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1275400000
Location 709 S PONCE DE LEON BLVD
Address SAINT AUGUSTINE 32084-0000
Neighborhood Countywide Banks (Commercial) (680.01)
Tax Description* 3-14 ANDALUCIA PARQUE LOTS 48 54 & 55 (EX R/W OF RD 5) & ALL LOTS 49 THRU 53 BLK B & SAN SEBASTIAN BLVD VACATED IN OR164/228 & S1/2 AVILES DR
 VACATED ORD 87-78 OR4622/587 & 4622/591(Q/C)
 *The Description above is not to be used on legal documents.
Property Use Financial Institutions, Banks, Savings & Loans (2300)
Code
Subdivision Andalucia Parque
Sec/Twp/Rng 39-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 1.230
Homestead N

View Map

Owner

Owner Name St Marks Development Authority Inc 100%
Mailing Address 499 INTERNATIONAL GOLF PKWY
 SAINT AUGUSTINE, FL 32095-0000

Valuation

	2018
Building Value	\$172,210
Extra Features Value	\$22,281
Total Land Value	\$535,360
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$729,851
Total Deferred	\$14,625
Assessed Value	\$715,226
Total Exemptions	\$0
Taxable Value	\$715,226

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$172,210	\$22,281	\$0	\$0	\$0	\$729,851	\$715,226	\$14,625	\$715,226
2017	\$107,631	\$7,214	\$535,360	\$0	\$0	\$650,205	\$650,205	\$0	\$650,205
2016	\$86,105	\$25,251	\$535,360	\$0	\$0	\$646,716	\$646,716	\$0	\$646,716
2015	\$251,144	\$25,251	\$535,360	\$0	\$0	\$811,755	\$796,204	\$15,551	\$796,204
2014	\$163,211	\$25,251	\$535,360	\$0	\$0	\$723,822	\$723,822	\$0	\$723,822
2013	\$168,839	\$25,251	\$540,714	\$0	\$0	\$734,804	\$734,804	\$0	\$734,804
2012	\$177,282	\$25,251	\$540,714	\$0	\$0	\$743,247	\$743,247	\$0	\$743,247
2011	\$182,910	\$25,251	\$602,280	\$0	\$0	\$810,441	\$810,441	\$0	\$810,441
2010	\$188,538	\$25,251	\$669,200	\$0	\$0	\$882,989	\$882,989	\$0	\$882,989

Building Information

Building 1
Actual Area 4484
Conditioned Area 2768
Actual Year Built 1976
Use Branch Banks
Style 04
Class N
Exterior Wall Concrete Stucco

Roof Structure Rigid Frame
Roof Cover Built Up
Interior Flooring Carpet, Ceramic Tile
Interior Wall Drywall
Heating Type Air Duct
Heating Fuel
Air Conditioning Central
Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	50%
Interior Flooring	Ceramic Tile	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	7 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	2" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	2768	2768
CANOPY (COMMERCIAL)	0	1716
Total SqFt	2768	4484

Extra Features

Code Description	BLD	Length	Width	Height	Units
Asphalt Paving	0	0	0	0	20000
Curb	0	0	0	0	950
Concrete Paving	0	0	0	0	400
Asphalt Paving	0	0	0	0	2100
Pole Light	0	0	0	0	16
Pole Light	0	0	0	0	20

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Financial Institutions, Banks, Savings & Loans	0	0	53536	SF	\$535,360

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
10/4/2018	10/3/2018	\$1,250,000.00	WD	4622	587	Q	I	STYLES OP LLC	ST MARKS DEVELOPMENT AUTHORITY INC
10/4/2018	10/3/2018	\$100.00	QC	4622	591	U	I	STYLES OP LLC	ST MARKS DEVELOPMENT AUTHORITY INC
5/21/2015	5/15/2015	\$775,000.00	WD	4030	659	Q	I	CENTERSTATE BANK OF FLORIDA NA	STYLES OP LLC
4/6/2015	3/31/2015	\$955,000.00	WD	4009	1186	Q	I	NORD FAMILY TRUST	CENTERSTATE BANK OF FLORIDA NA
11/6/2013	11/5/2013	\$813,800.00	WD	3811	354	Q	I	FIRST STATES INVESTORS 118 LLC	NORD FAMILY TRUST
	9/28/2005	\$633,000.00	WD	2546	88	U	I	BANK OF AMERICA NA	FIRST STATES INVESTORS 118 LLC

Area Sales Report

[Recent Sales in Area](#)

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

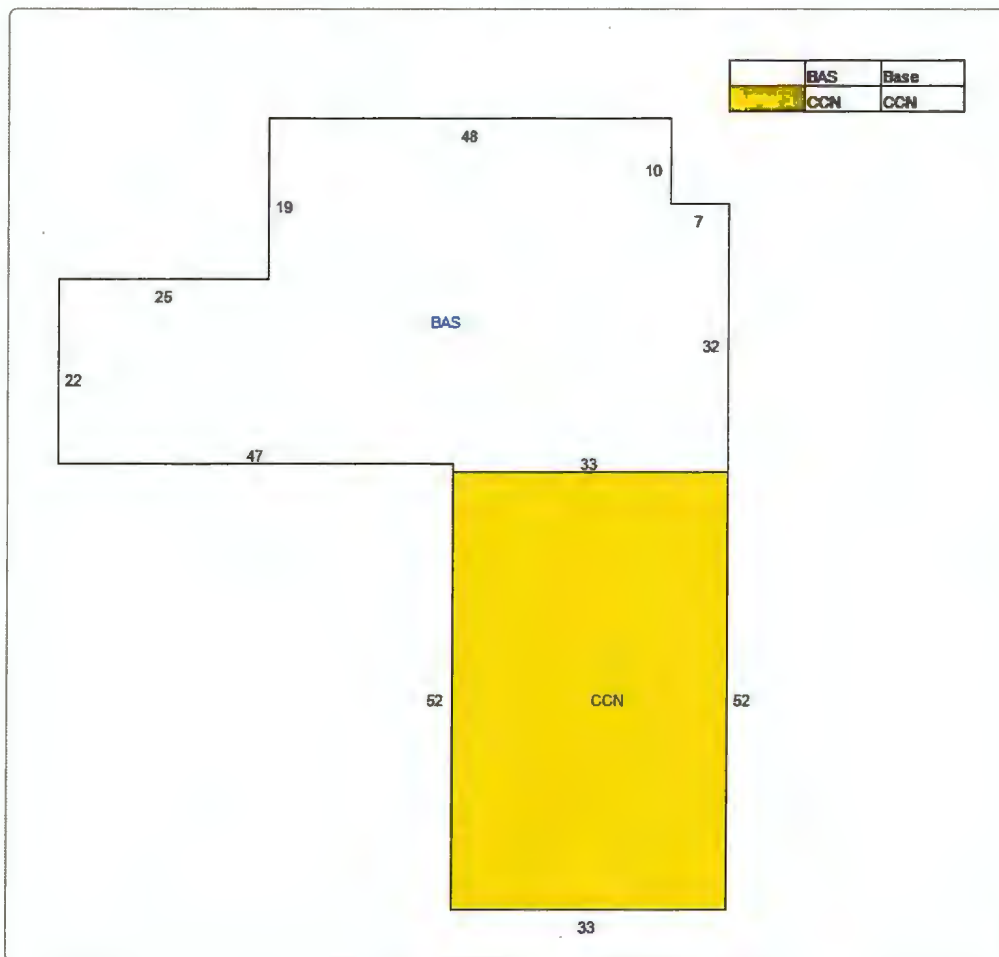
Tax Estimator

[Tax Estimator](#)

Map



Sketches

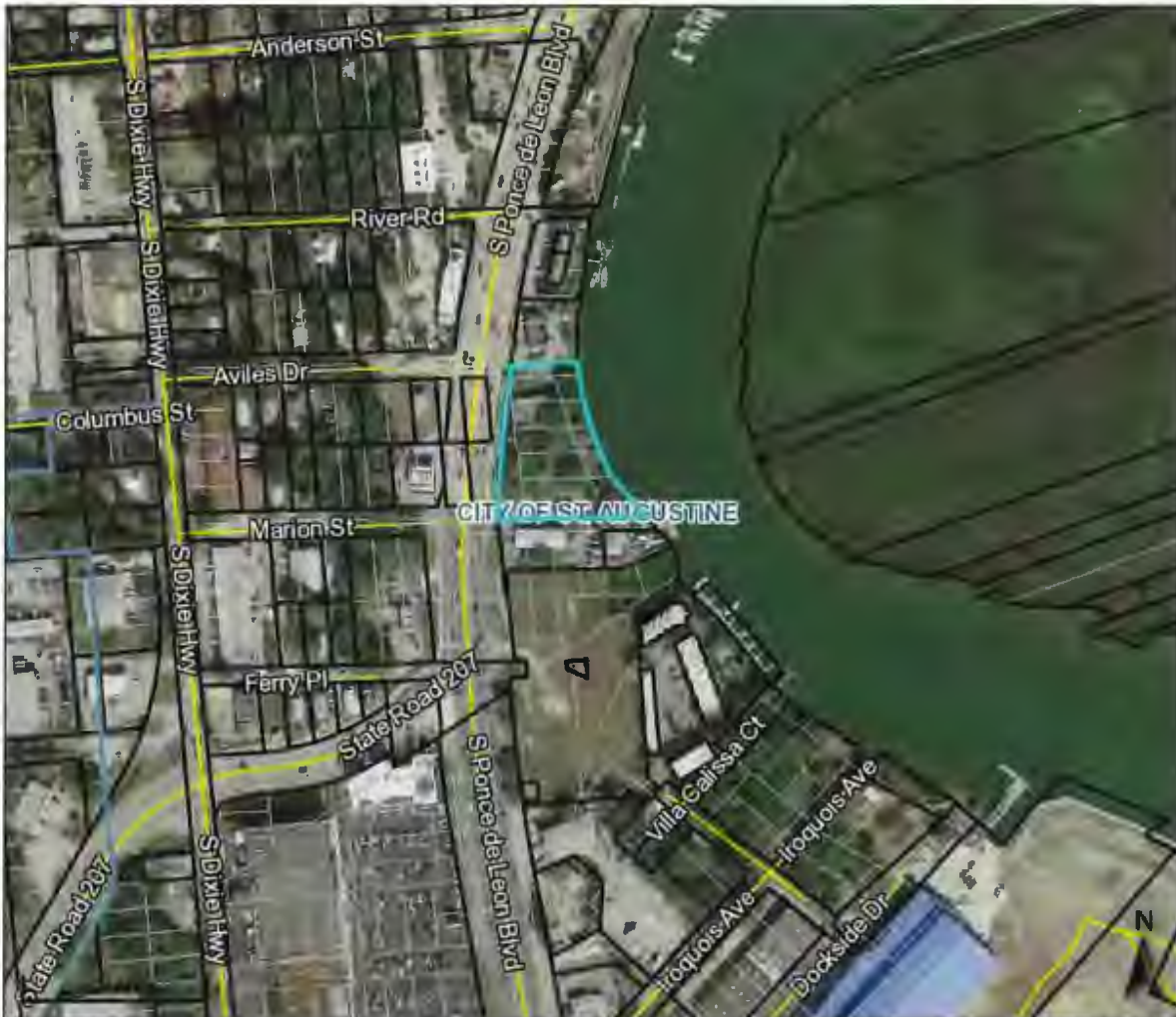


No data available for the following modules: Exemptions.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 11/6/2018, 1:35:23 PM

Developed by
 **Schneider**
GEOSPATIAL



Overview



Legend

- Parcels
- Cities

Parcel ID	1275400000	Physical Address	709 S PONCE DE LEON BLVD	Building Value	\$172,210	Last 2 Sales			
Property Class	2300 - Financial Institutions, Banks, Savings & Loans	Mailing Address	SAINT AUGUSTINE ST MARKS DEVELOPMENT AUTHORITY INC	Extra Feature Value	\$22,281	Date	Price	Reason	Qual
Taxing District	City of St Augustine		499 INTERNATIONAL GOLF PKWY	Total Land Value	\$535,360	10/3/2018	\$1250000	01	Q
Acres	1.23		SAINT AUGUSTINE FL 32095-0000	Just Value	\$729,851	5/15/2015	\$775000	01	Q
				Total	\$14,625				
				Deferred Assessed Value	\$715,226				
				Total	N/A				
				Exemptions					
				Taxable Value	\$715,226				

Date created: 11/6/2018
Last Data Uploaded: 11/6/2018 2:57:51 PM

Attachment 4
Proposed Development Plan



CARTER ENVIRONMENTAL
SERVICES, INC.



7 Waldo Street
St Augustine, FL 32084
904-540-1786

www.carterenv.com

Aerial Map

709 S. Ponce de Leon Blvd.

Project: 5.18253

St. Johns County, FL

Date: Oct 30 2018

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Planning/Building Dept.



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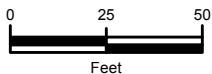
Attachment 5

Proposed Dock & Bulkhead Information



Legend

- Project Area +/- 1.34 ac.
- Dock Area Over Water +/- 1,000 sq. ft.
- Proposed Retaining Wall +/- 330 ft.
- ✕ Live Oak to be Removed
- Wetland Line
- COZ 2 Line



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

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CES

7 Waldo Street
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Site Conditions

709 S. Ponce de Leon Blvd.

Project: 5.18253

St. Johns County, FL

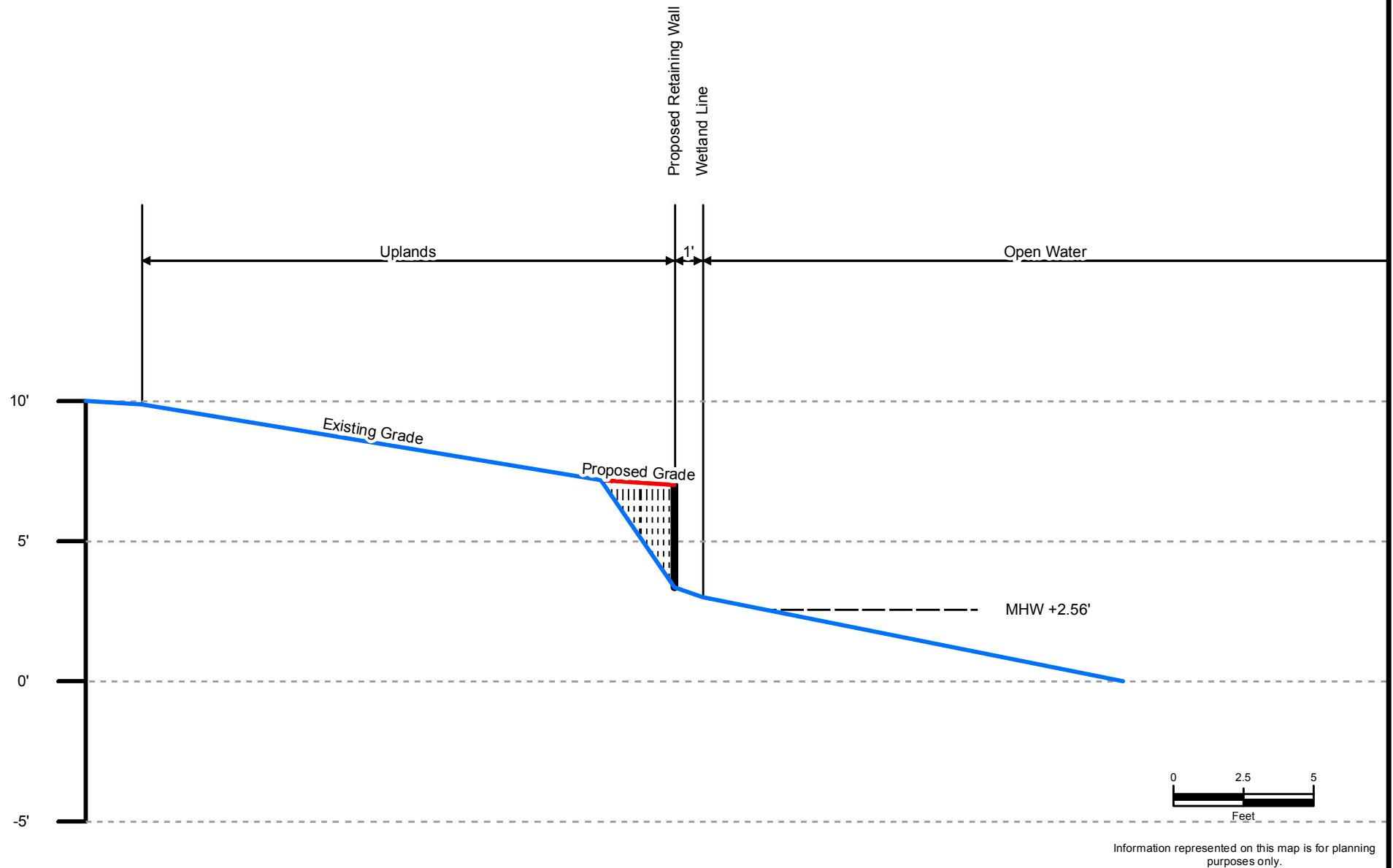
Date: Dec 06 2018

Figure:

3



F:\CES Projects\Project Files\Active\Projects\Project Files\2018\5.18253 McGuire US 1\GIS\MXD\04-Maguire US1_Proposed Bulkhead Typical 12-6-18.mxd



**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

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904-540-1786

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Proposed Bulkhead Typical Cross-Section

709 S. Ponce de Leon Blvd.

Project: 5.18253

St. Johns County, FL

Date: Dec 06 2018

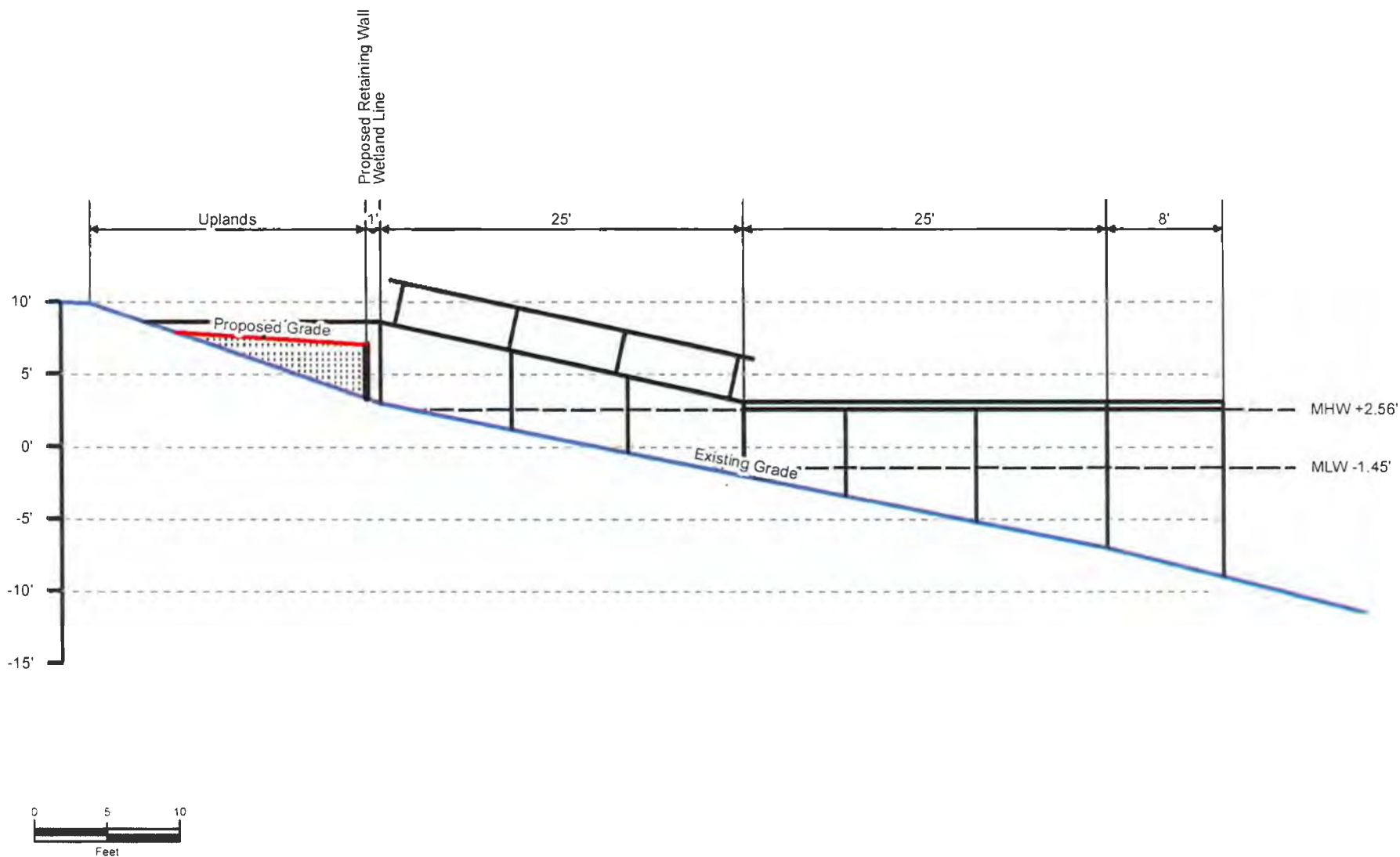
Figure:

4



Information represented on this map is for planning purposes only.

F:\CES Projects\Project Files\Active\Projects\18253 McGuire US 1\GIS\WXD\04-McGuire US1_Proposed Profile View 10-30-18.mxd



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Proposed Dock Profile View
709 S. Ponce de Leon Blvd.

Project: 5.18253

St. Johns County, FL

Date: Oct 30 2018

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OCT 30 2018

Figure: Planning/Building Dept

4



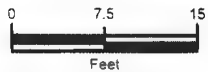
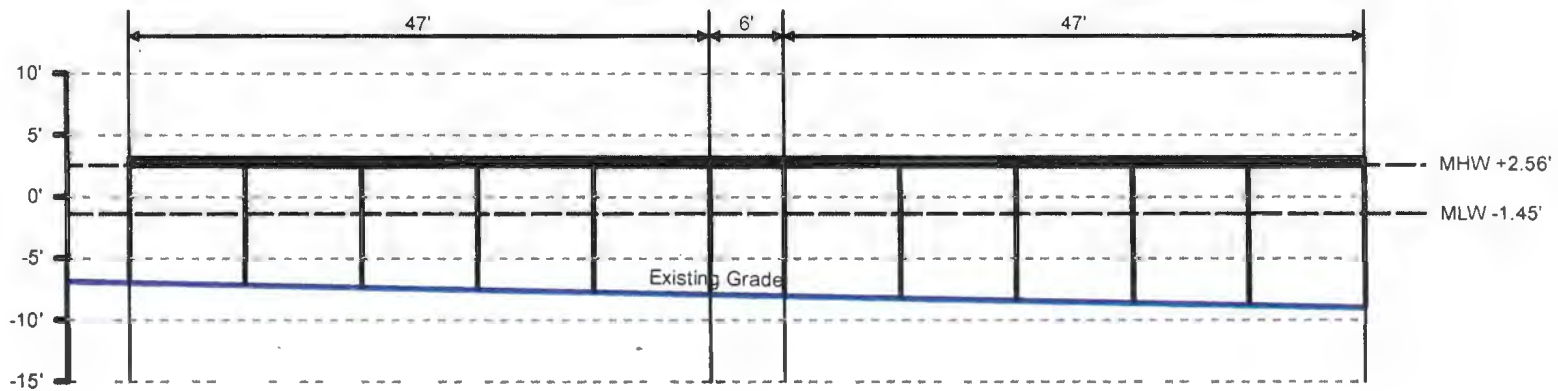
FIGURE 1.
SITE LAYOUT

Sources: 2016 FDOT Aerial; Matthews Design Group, Inc. 2017; ECT, 2017.

ECT Environmental
Consulting &
Technology, Inc.

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Information represented on this map is for planning purposes only.

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SERVICES, INC.



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www.carterenv.com

Proposed Dock Cross-Section
709 S. Ponce de Leon Blvd.

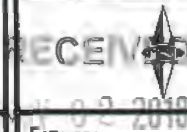
Project: 5.18253

St. Johns County, FL

Date: Oct 30 2018

Figure:

5



City Building Dept.

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NOV 02 2018

Planning/Building Dept.

**709 S. Ponce de Leon Blvd Retaining wall
Overlay Zone Development Application Supplement
November 2018**

This narrative is intended to supplement the Conservation Overlay Zone Development application for 709 S. Ponce de Leon Blvd.

This project previously received Conservation Overlay Zone Approval 2017-0057 for tree removal and a dock on October 7, 2017 (see attached letter of approval). The approval was then extended for 180 days from the October 7, 2018 expiration date to April 5, 2019.

This proposed modification requests to add a 330' retaining wall along mean high water to curb erosion and extend the period of validity for the dock, tree removal approval for one year from date of board meeting.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed retaining wall will have a benefit to the public as a whole.*

The public will be able access the new commercial development via the water. The retaining wall helps protect the property.

2. *The proposed retaining wall will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There are no direct (dredging or filling) wetland impacts proposed to the marsh.

3. *The proposed retaining wall will not block or disrupt any vista or scenic opportunities.*

The proposed retaining wall will be similar to the bulkheads north and south of this property with minimal interruption of the vista as possible. Additionally, the proposed property renovations will update the appearance of the property which will increase aesthetic value.

4. *The proposed observation pier will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The existing shoreline is trashed, unsafe and unsightly. Replacement with the new retaining wall and associated development will greatly improve aesthetics of the shoreline.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

The project is located on the San Sebastian River. The purpose of the proposed retaining wall is to protect from erosion from storms and boat traffic.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is situated between US Highway 1 (west) and the San Sebastian River (east). Commercial property exists to the south and north.

3. *Natural and proposed drainage patterns.*

Stormwater features such as weep holes will be incorporated into the retaining wall design to maintain existing drainage patterns.

4. *Effect of point and non-point discharge in the marine environment.*

There is no effect of point or non-point discharge into the marine environment from the proposed retaining wall and no additional flow than is already generated from the site as it exists today.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: Shoreline vegetation will remain mostly undisturbed during construction since the proposed retaining wall will be built uphill from the wetland line.

Lighting of the open water areas at night: No new lighting is proposed with the retaining wall.

Increased noise from day users: The property is adjacent to a major highway and other commercial uses – both on land and along the River. Noise from pedestrians using the facility will have a minimal impact.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

No storm water systems will be modified. Fueling stations are not present and are not part of the proposed design.

9. *Effect of shade on vegetation and shellfish.*

The proposed retaining wall will be upland of the wetland line along a large existing bluff. There will be no additional shading as part of the proposed retaining wall.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The retaining wall construction will not increase boat traffic. The area receives high traffic from both commercial and recreational vessels and the purpose of the wall is to abate erosion from these sources.

11. *Impact of development on shoreline by linear feet and percent of site.*

The entire shoreline (330') of this property is proposed to be armored with a retaining wall.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

The proposed retaining wall will enhance the vistas over the San Sebastian River compared to the existing dilapidated shoreline.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

All vegetation within the footprint of the retaining wall will be trimmed or removed. That vegetation work includes trimming existing oak trees growing along or at the toe of the existing shoreline embankment and removing and relocating existing palm trees, if necessary, and removing sod.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

The existing shoreline is a fairly steep bluff in place. The proposed retaining wall will be constructed in the uplands and nearly mimic the existing bluff. Therefore, minimal impacts are anticipated as part of this proposed retaining wall.

15. *Impact of development on water quality.*

All prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water

quality will occur. This may include, but is not limited to, siltation curtains, hay bales and floating turbidity screens, as necessary. All newly exposed surfaces will be seeded or sodded, as soon as practicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

- a) The effects of the retaining wall on commercial and sport fish are as follows:

Positive: None

Negative: None

- b) The effects of the retaining wall on shellfish are as follows:

Positive: Potential for colonization on new surfaces

Negative: None

- c) The effects of the retaining wall on water fowl are as follows:

Positive: None

Negative: Minor reduction of shoreline habitat

17. *Specific conditions applicable to docks.*

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

Not applicable

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

Not applicable

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Not applicable

Attachment 6

Tree Removal/Landscape/Site Plan Info.

PLANTED SHRUB TABLE					
SYMBOL	KEY	QUANTITY	COMMON NAME BOTANICAL NAME	SIZE	REMARKS
⊗	WV	181	DWARF WALTERS VIBURNUM VIBURNUM CROCATUM 'DWARF'	24" HT.	30" SPACING

PLANTINGS REQUIRED									
FRONT YARD =	281.00 FT.	- 5 TREES PER 100 LF =	14 TREES	AND	25 SHRUBS PER 100 LF =	70 SHRUBS			
NORTH SIDE YARD =	117.00 FT.	- 4 TREES PER 100 LF =	6 TREES	AND	12 SHRUBS PER 100 LF =	16 SHRUBS			
SOUTH SIDE YARD =	186.00 FT.	- 4 TREES PER 100 LF =	8 TREES	AND	12 SHRUBS PER 100 LF =	24 SHRUBS			
REAR YARD =	251.00 FT.	- 4 TREES PER 100 LF =	11 TREES	AND	12 SHRUBS PER 100 LF =	34 SHRUBS			
TOTAL TREES REQUIRED =		39	TOTAL SHRUBS REQUIRED =		142				

TOTAL NUMBER OF PARKING SPACES = 43
 INTERIOR LANDSCAPING REQUIRED = 8% OF TOTAL PARKING SPACES = 2.2 SPACES
 INTERIOR LANDSCAPING PROVIDED = 3 SPACES 2 2.2 SPACES
 THEREFORE INTERIOR PARKING LANDSCAPING MET.

SEE THIS SHEET FOR COMPUTATION OF TREE REMOVAL DEFICIT POINTS

TREE MITIGATION CREDITS = 8
ONLY TREE CREDITS NOT USED AS PERIMETER PLANTINGS CAN BE USED FOR TREE
MITIGATION CREDITS; IN THIS CASE ONLY THE INTERIOR PROPOSED PALM.
TREE MITIGATION CREDITS = 0 ≥ 4
THEREFORE TREE MITIGATION IS MET.



TREES TO BE REMOVED

PARKING CALCULATIONS

<u>NON PATRON AREA (30% OF TOTAL)</u>	=	1 SPACE PER	200 SF
NON PATRON AREA	=	1,800 SF	
NON PATRON SPACES REQUIRED	=	9 SPACES	
<u>PATRON AREA (70% OF TOTAL)</u>	=	1 SPACE PER	4 SEATS
PATRON AREA SEATS	=	1 SEAT PER	30 SF
PATRON AREA	=	3,800 SF	
PATRON AREA SEATS	=	112 SEATS	
PATRON SPACES REQUIRED	=	26 SPACES	
<u>TOTAL SPACES REQUIRED</u>	=	37 SPACES	
HANDICAP SPACES REQUIRED	=	3 SPACES	
<u>TOTAL SPACES REQUIRED</u>	=	40 SPACES	
<u>COMPACT PARKING PROVIDED</u>	=	12 SPACES	
<u>HANDICAP PARKING PROVIDED</u>	=	2 SPACES	



CONCEPT PLAN
7709 S. PONCE DE LEON BLVD.
CITY OF ST. AUGUSTINE, FLORIDA
PREPARED FOR:
J&H ADVISORS, INC.

QF 1

Attachment 7
Arborist Report



September 3, 2017

Rob Matthews
Rob Matthews Design Group
7 Waldo Street
St. Augustine, FL 32084

Dear Mr. Matthews :

At your request I visited the CenterState Bank site at 709 S. Ponce de Leon Blvd. on September 3, 2017 to evaluate the condition of 5 trees. A database of my findings is attached to this letter. I placed a numerical tag on each of the five trees to better identify them. And in my database I referred to my tag number as well as the tree number used by the previous arborist (#1 through #5) in his letter dated March 16, 2017. Also I rounded the DBH numbers to the nearest inch because of the inaccuracy inherent in measuring tree DBH. Using tenths of an inch gives the impression of a level of accuracy that is not realistic. All of the trees are in locations with restricted areas for root growth; however, all appear to be in good condition. In my testing and evaluation I saw no evidence of any root rot on any of the trees.

I performed a **Level 2 Basic Assessment**, which is a detailed visual inspection of a tree and its surrounding site. The Level 2 Assessment includes a 360-degree visual inspection from ground level on each tree and sound testing of the lower trunk and root flares with a rubber mallet to listen for tonal variations that may indicate internal hollows or decay. The Risk Assessment is done in accordance with **ANSI A300**



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904-794-4200 info@shadetreeexpert.com
[Http://ShadeTreeExpert.com](http://ShadeTreeExpert.com)



Standards on Tree Risk Assessment¹ and the companion publication **Best Management Practices, Tree Risk Assessment**.²



Figure 1 Tree #2692 (#1), tree #2693 (#2), tree #2694 (#3) and tree #2695 (#4) are shown above, all in good health condition with restricted root systems but no evidence of any type of root decay

The first tree #2692 (tree #1) is a 34-inch DBH laurel oak (*Quercus laurifolia*), not a live oak (*Quercus virginiana*) as indicated on the previous arborist's letter. This tree has a triple codominant leader with included bark, a structural defect that makes the trunk more likely to split. The tree has a large hanger, a broken hanging branch, which can be dangerous. But in this case it is a few feet over the drive-through roof so it is

¹ American National Standards Institute (ANSI) A300 Risk Assessment Part 9 Tree, Shrub, and Other Woody Plant Management Standard Practices (**Tree Risk Assessment** a. Tree Structure Assessment), 2011.

² Thomas Smiley, Nelda Matheny and Sharon Lilly, **Best Management Practices Tree Risk Assessment**, International Society of Arboriculture, Champaign, Illinois, 2011.



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not likely to cause injury or even cause roof damage. Nevertheless, this hanger should be removed. This tree is the only one of the five trees I evaluated that is not a good specimen with long-term viability. The likelihood of failure of this tree is "possible."

Tree #2693 (tree #2) is a large live oak with a 37 inch DBH. This tree's health condition is good and its structural condition is also good. The only real problem I see is the tree has suffered poor pruning technique which causes a higher center of gravity and less wind resistance. Pruning should always be done by a tree service with an ISA Certified Arborist on staff and present at the site during all pruning.



Figure 2 A vandalism attempt was made approximately one year ago to girdle and kill tree #2695. Fortunately the cut was not made deep enough to interrupt the vascular tissue.

Tree #2692 is located in a raised planting bed with very little root space. I can see areas where the roots have grown under the asphalt pavement with some cracking but no lifting. If the tree had any root decay or severe root growth restriction, evidence of these problems would be visible in the upper crown in the form of branch dieback. But no branch dieback with the exception of a few smaller dead branches is evident. Small branch dieback is common with larger, older trees as the tree sheds less-productive, shaded lower branches. This tree needs proper pruning in the form of end weight reduction pruning to reduce end weight on the longer sprawling branches. The urgency of this pruning work is low. The likelihood of failure of this tree is "improbable."

Trees #2694 and 2695 (trees #3 and #4), with a DBH of 20 inches and 18 inches respectively, are also live oaks and are also located in a root-restricting planting bed. But like tree #2693 these two trees are doing well with good health and good structure. The main problem has been improper pruning through overlifting of the canopy over the years. The likelihood of failure of these trees is "improbable."

Tree #2695 has been the victim of vandalism (Figure 2). Someone tried to girdle and kill the tree by cutting around the entire base of the trunk with a saw. Judging by the amount of callus formation, this act was done approximately a year ago. Fortunately,



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Figure 3 The east side of the planting island is tight for root space.



Figure 4 Likewise the east side of the tree crown is also more sparse in foliage.

the girdling was not deep enough to damage the cambium which is callusing over the wound.

The fifth tree (tree #2696, tree # 5) is a 28-inch DBH live oak (Figure 3 and 4). This tree is the only one of the trees I evaluated showing some upper crown dieback likely from the restricted root area on the east side of the tree. Half the crown is in good condition and half has more sparse foliage and some dieback of smaller branches high in the crown. The problem is not severe and can be mitigated with proper pruning mostly to remove dead branches. Like the other live oaks on the site, there is evidence of construction damage years ago but no evidence of root decay. The likelihood of failure of this tree is "improbable."

All of the trees have restricted areas for root growth. In spite of this restricted root zone and obvious root damage done years ago during construction, the four live oaks are in good condition with little evidence they are causing damage to the surrounding driveway and hardscape. I am not certain how long ago the construction occurred on the bank but I have been observing those trees for at least 20 years and believe that



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the construction around the trees may have occurred before I moved to St. Augustine 36 years ago. So in spite of the obvious construction damage to the roots years ago, the trees have become well-established and have accommodated to the root conditions. And as a further testimony to their stability, the trees survived Hurricane Matthew last October without any evidence of root plate lifting or leaning. In my opinion the four live oaks are in good health and structural condition and should be accommodated in the new construction plan whatever that might be.

If the new construction calls for removing the existing asphalt and repaving or excavation or fill soil near any of the trees, an arborist with knowledge and experience in protecting tree roots under pavement or fill soil should be part of the planning process and supervise any excavation and repaving work within the dripline of these and other trees on the site.

If you have any questions about my observations or recommendations, please let us know. If you have any questions about our observations or recommendations, please let me know.

Advanced Tree Care, Inc.



Chuck Lippi, president

ISA Board Certified Master Arborist #FL-0501B

ISA Tree Risk Assessment Qualification (TRAQ)

ASCA Registered Consulting Arborist #443



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Tree #	Species	DBH	Leaders	Alternate ID #	Infrastructure	Health Condition	Structure Condition	Mallet test	Observation1	Observation2	Observation3	Work1	Notes1	Notes2	Urgency	Likelihood failure
2692	Oak, Laurel	34	3	Tree #1	Driveway	Fair	Fair	Negative	Codominant Leaders w Included Bark	Dead Branches < 10%. Hanger.		Large Tree Routine Prune	Remove dead branches and hanger.	Not a good specimen to retain. Codominant leaders make it prone to failure as the tree canopy increases in size.	As Soon As Possible	possible
2693	Oak, Live	37	1	Tree #2	Plant bed raised wall	Good	Good	Negative	Dead Branches < 10%	Sprawling Crown	Root System Restricted	Large Tree Routine Prune	Reduction pruning recommended. In spite of severely restricted root zone, this tree is doing well and shows no signs of pavement lifting.	No sign of root rot as stated by another arborist. Special care should be taken to protect roots when working on pavement in the future	Low	improbable
2694	Oak, Live	20	1	Tree #3	Driveway	Good	Good	Negative	Dead Branches < 10%	Sprawling Crown	Root System Restricted. Poorly pruned previously.	Large Tree Routine Prune	Reduction pruning recommended. In spite of severely restricted root zone, this tree is doing well and shows no signs of pavement lifting.	No sign of root rot as stated by another arborist. Special care should be taken to protect roots when working on pavement in the future	Low	improbable
2695	Oak, Live	18	1	Tree #4	Driveway	Good	Good	Negative	Dead Branches < 10%	Sprawling Crown	Root System Restricted. Poorly pruned previously.	Large Tree Routine Prune	Reduction pruning recommended. In spite of severely restricted root zone, this tree is doing well and shows no signs of pavement lifting.	Vandalism - attempted girdling at base of trunk. No sign of root rot as stated by another arborist. Special care should be taken to protect roots when working on pavement in the future	Low	improbable
2696	Oak, Live	28	1	Tree #5	Driveway	Fair	Good	Negative	Dead Branches > 10%	Sparse foliage in parts of crown	Root System Restricted. Poorly pruned previously.	Large Tree Routine Prune	Reduction pruning recommended. Remove dead branches. In spite of severely restricted root zone, this tree is doing OK and shows no signs of pavement lifting.	No sign of root rot as stated by another arborist. Special care should be taken to protect roots when working on pavement in the future	Low	improbable

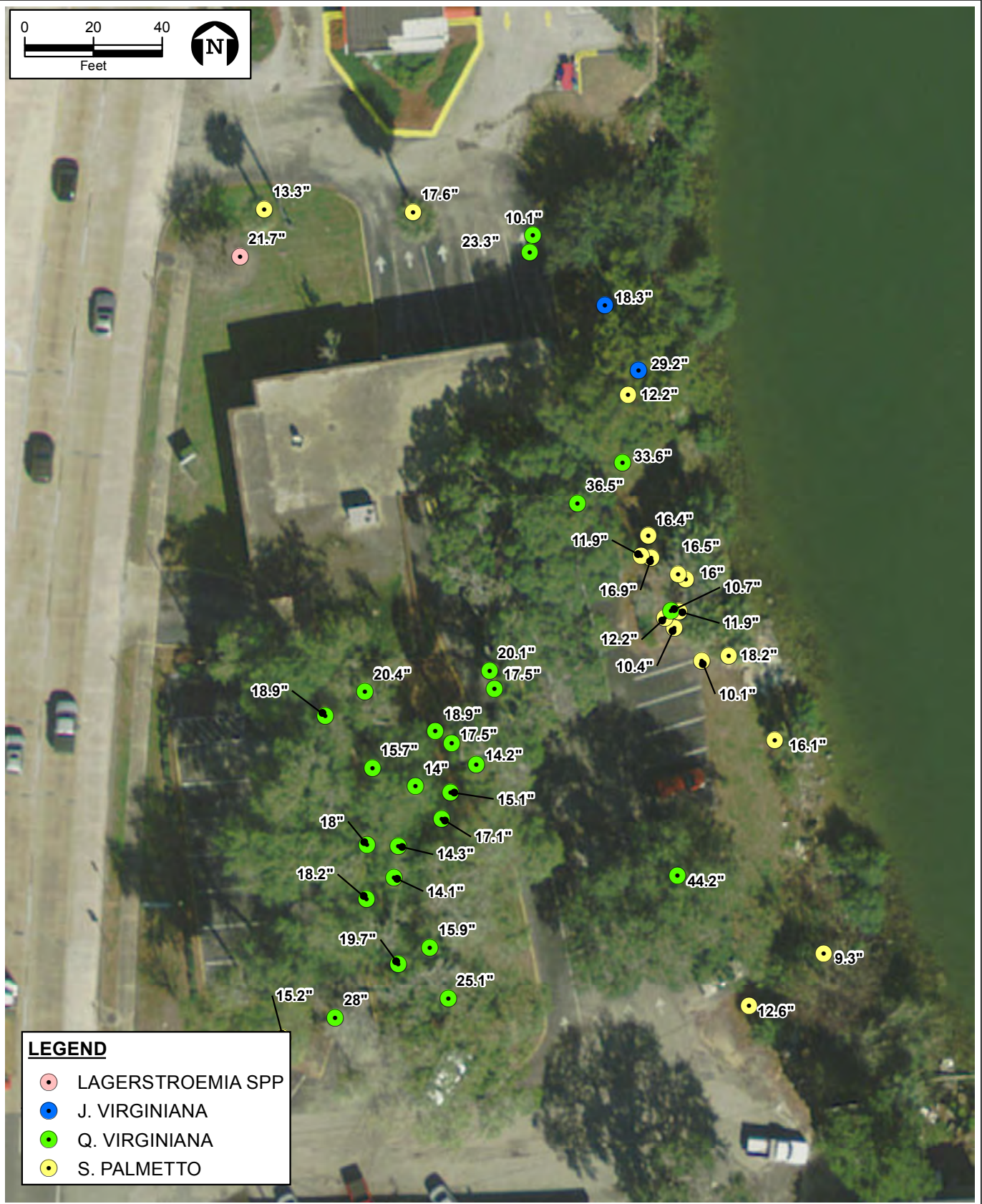


FIGURE 1.
CONCEPT PLAN WITH EXISTING CONDITIONS
709 S. PONCE DE LEON BLVD
ST. JOHNS COUNTY, FLORIDA

Sources: St. Johns County Aerial Photograph, 2016; ECT, 2017.

ECT Environmental
Consulting &
Technology, Inc.

Attachment 8

Site Photos



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Wetzel & Associates, Inc.

CenterState BANK

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APR 02 2008

2008-04-02

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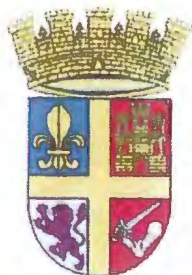
Dept.



Attachment 9
Previous Approval

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City of St. Augustine



Planning/Building Dept.

St. Augustine, Florida

Planning/Building

October 6, 2017

Styles OP, LLC
Shahab Derazi
500 3rd Street
Jacksonville, FL 32250-0000

Re: Conservation Overlay Zone Development –
709 South Ponce de Leon Blvd – 2017-0057

Dear Mr. Derazi:

On Tuesday, October 3, 2017, the Planning and Zoning Board (PZB) met and discussed your application to construct a dock within Conservation Overlay Zone 1; to approve a building (s) within Conservation Overlay Zone 2, and to remove preserved tree(s) within Conservation Overlay Zone 3 for property located at 709 South Ponce de Leon Boulevard.

Specifically, the PZB **approved** your application as described in the attached copy of the executed Orders.

Conservation Overlay Zone Development is valid for a period of one (1) year from the date of approval. Failure to exercise the Conservation Overlay Zone Development by commencement of the use or action approved shall render the Conservation Overlay Zone Development invalid.

Please contact the Planning and Building Department at 825-1065 for the proper permits, fees and requirements to proceed with your project in accordance with the Planning and Zoning Board's decision.

Sincerely,

David Birchim, AICP
Director, Planning & Building

DB:sp
Attachment

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File



CITY OF ST. AUGUSTINE
PLANNING & BUILDING DEPARTMENT
P.O. BOX 210
ST. AUGUSTINE, FL 32085
PHONE: 904-825-1065

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Planning & Building Dept

October 4, 2018

Carter Environmental Services
ATTN: Michael Spontak
7 Waldo Street
St. Augustine, FL 32084

RE: Conservation Overlay Zone Development Approval Extension
2017-0057 – 709 S. Ponce de Leon Blvd.

Mr. Spontak,

I have received your request for the 90-day extension for the Conservation Overlay Zone Development Approval for 709 S. Ponce de Leon Blvd. Your extension request is **APPROVED**.

If you have any questions, feel free to contact me at the number below.

Respectfully,



Richard "Buddy" Schauland, CBO, CFM
Building and Code Enforcement Manager
City of St. Augustine
Planning and Building Department
75 King St. P.O. Box 210
St. Augustine, FL 32085
(904)825-1065

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2018-0163**

AGENDA ITEM 7(c)

APPLICANT Ryan Carter – Carter Environmental Services Inc.

OWNER John Sebastyn & James Farrell

LOCATION 919 Lew Blvd.

REQUEST To approve a proposed dock within Conservation Overlay Zones 1 & 2.

PLANS DATED November 15, 2018

LAND USE Residential Low Density
ZONING Residential Single Family One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. **This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.**

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.
 - (7) Impact of development on vegetative and animal communities.
 - (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - (9) Effect of shade on vegetation and shellfish.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

The total dock consists of the dock, floating dock, catwalk, and boat slip consisting of a total 1,366 square feet. Information about the new dock is located within attachment 4 of the packet. Staff believes the new dock will be a benefit to the public through construction related activities. Also, the new dock would enhance the vistas and scenic opportunities by being similar in layout and design as the neighboring docks.

1. Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions: *Site consists of natural bank across the whole property with docks on neighboring properties.*

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones. *Other neighboring sites have natural banks across the length of their property lines with their docks straight into the water.*
- (3) Natural and proposed drainage patterns. *Patterns aren't expected to change since improvements are within the same area and over the water.*
- (4) Effect of point and nonpoint discharge in the marine environment. *N/A*
- (5) Proposed soil stabilization and erosion control methods. *Those will be provided during building plans for administrative review.*
- (6) Impact on floodplain. *N/A*
- (7) Impact of development on vegetative and animal communities. *It would be a minimal impact in relation to the other docks near at the site.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. *N/A*
- (9) Effect of shade on vegetation and shellfish. *It should be minimal in nature given the size of the dock in relation to the water.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. *No additional effect since this proposal is similar to other residential docks in the area. Shoreline erosion isn't expected to be a significant issue.*
- (11) Impact of development on shoreline by linear feet and percent of site. *Minimal in relation to the size of the residential lot.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. *Minimal, if any, due to the existing similar docks in the area.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. *N/A*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. *Minimal, if any, due to the existing similar docks in the area.*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.) *Minimal, if any, due to the existing similar docks in the area.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. *Minimal, if any, due to the existing similar docks in the area.*

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck. *Appears to meet all standards.*

The applicant has provided a detailed narrative associated with the application which has been included in attachment 1. Staff is in agreement with this narrative and their interpretation.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** placement of a proposed dock within Conservation Overlay Zones 1 & 2 located at 919 Lew Boulevard.

SUPPLIMENTS

Attachment 1 – Application & Narrative
Attachment 2 – Property Appraiser Information
Attachment 3 – Location Maps
Attachment 4 – Dock Information

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application & Narrative

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330

BDAC Project No.

2018-0163

Receipt No.

1487585

Meeting Date:

Jan. 8, 2019

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786

Business (if applicable): Carter Environmental Services, Inc.

Address: 7 Waldo Street, Suite 7C City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: John Sebastyn and James Farrell Daytime Telephone: _____

Business (if applicable): _____

Address: 919 Lew Blvd. City: St. Augustine State: FL Zip: 32080

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: 4 Block: _____

Subdivision: Borde Del Mar Unit No. 1 Parcel Number: 1589100000

4. PROJECT STREET ADDRESS: 919 Lew Blvd.

5. SPECIFIC PROPOSED USE: Proposed dock

6. ACTION REQUESTED

☐ Exception

☐ Rezoning

☐ Land Use Plan Amendment

☐ Appeal of Staff Determination

☐ Variance

☒ Conservation Zone Development

☐ Other: _____

RECEIVED

NOV 15 2018

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: _____

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12

Signature of Applicant

Date

Signature of Property Owner

Date

CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

R. A. Carter

Signature of applicant

11-1-18

Date

**919 Lew Blvd.
Overlay Zone Development Application Supplement
November 2018**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock at 919 Lew Blvd. The proposed dock will allow the owners access to Salt Run. Total dock area over open water/salt marsh will be approximately 1,366 sq. ft. The height of the dock will be 5' above Mean High Water. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There is a small strip of salt marsh vegetation between the uplands and open water (approx. 50 ft.). The dock will be constructed 5' above mean high water, high enough as to not over shade any vegetation.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 110 feet of river frontage. There is salt marsh vegetation and oyster colonies present.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be minimal.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of pilings for the dock.

b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will not exceed 6' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Boat lift will be low-profile and not exceed 12,000 pounds.

Attachment 2

Property Appraiser Information



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1589100000
Location Address 919 LEW BLVD
 SAINT AUGUSTINE 32080-0000
Neighborhood Borde del Mar (Intracoastal) (632.42)
Tax Description* 6-21 BORDE DEL MAR UT 1 LOT 4 OR4463/1871
 *The Description above is not to be used on legal documents.
Property Use Code Multi-Family (Less than 10 Units) (0800)
Subdivision Borde Del Mar Unit No. 1
Sec/Twp/Rng 21-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.450
Homestead Y

View Map

Owner

Owner Name Sebastyn John Michael Etal 100%
 Farrell James Levy 100%
Mailing Address 919 LEW BLVD
 SAINT AUGUSTINE, FL 32080-0000

Valuation

	2019
Building Value	\$68,240
Extra Features Value	\$5,720
Total Land Value	\$550,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$623,960
Total Deferred	\$252,363
Assessed Value	\$371,597
Total Exemptions	\$50,000
Taxable Value	\$321,597

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$68,240	\$5,720	\$550,000	\$0	\$0	\$623,960	\$360,774	\$313,186	\$310,774
2017	\$135,282	\$11,646	\$460,000	\$0	\$0	\$606,928	\$606,928	\$0	\$606,928
2016	\$137,187	\$11,527	\$460,000	\$0	\$0	\$608,714	\$608,714	\$0	\$608,714
2015	\$140,998	\$11,527	\$460,000	\$0	\$0	\$612,525	\$612,525	\$0	\$612,525
2014	\$109,932	\$12,288	\$460,000	\$0	\$0	\$582,220	\$582,220	\$0	\$582,220
2013	\$114,711	\$12,288	\$460,000	\$0	\$0	\$586,999	\$543,279	\$43,720	\$543,279
2012	\$117,102	\$12,288	\$364,500	\$0	\$0	\$493,890	\$493,890	\$0	\$493,890
2011	\$121,881	\$12,288	\$405,000	\$0	\$0	\$539,169	\$539,169	\$0	\$539,169
2010	\$126,661	\$12,288	\$517,500	\$0	\$0	\$656,449	\$656,449	\$0	\$656,449

Exemptions

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	5174	Roof Cover	Composite Shingle

Conditioned Area 2583
Actual Year Built 1953
Use Duplex
Style 01
Class N
Exterior Wall Concrete Stucco

Interior Flooring Hardwood, Sheet Vinyl
Interior Wall Drywall
Heating Type Air Duct
Heating Fuel
Air Conditioning Central
Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	50%
Interior Flooring	Sheet Vinyl	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	15 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	1733	1733
FINISHED OPEN PORCH	0	235
PATIO	0	1251
ENCLOSED GLASS PORCH	0	225
FINISHED GARAGE	0	550
FINISHED OPEN PORCH	0	55
FINISHED OPEN PORCH	0	128
POINTER	0	0
FINISHED UPPER STORY	850	850
FINISHED OPEN PORCH	0	108
OUTSIDE STAIRS	0	39
Total SqFt	2583	5174

Extra Features

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	1091
Pool (Concrete)	0	0	0	0	341
Kool Deck	0	0	0	0	288
Residential Fence	0	0	0	0	90

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	100	190	100	FF	\$550,000

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/16/2017	11/12/2017	\$950,000.00	WD	4463	1871	Q	I	COBB EDGAR H,KATHERINE D	SEBASTYN JOHN MICHAEL ETAL
7/28/2016	6/30/2016	\$0.00	TR	4230	1175	U	I	COBB G DENNY TRUST	REDMAN JEANNIE C ETAL
7/28/2016	6/30/2016	\$100.00	QC	4230	1200	U	I	KATHERINE RENEE STUART	919 LEW BOULEVARD LLC
7/28/2016	6/30/2016	\$100.00	QC	4230	1201	U	I	BOOKER CYNTHIA C	919 LEW BOULEVARD LLC
7/28/2016	6/29/2016	\$100.00	QC	4230	1199	U	I	COBB STEVENS D	919 LEW BOULEVARD LLC
7/28/2016	6/28/2016	\$100.00	QC	4230	1202	U	I	COBB KENDALL R	919 LEW BOULEVARD LLC
7/28/2016	6/27/2016	\$100.00	QC	4230	1197	U	I	REDMANN JEANNIE C	919 LEW BOULEVARD LLC
7/28/2016	6/16/2016	\$100.00	QC	4230	1198	U	I	STRATTON BARBARA C	919 LEW BOULEVARD LLC
10/30/1953	10/30/1953	\$0.00	WD	206	455	U	I	TREADWELL CAROLINE S N	COBB EDGAR H,KATHERINE D
	10/5/2010	\$0.00	PR	3378	576	U	I	COBB G DENNY ESTATE	COBB G DENNY TRUST
	5/1/1989	\$0.00		820	496	U	I		COBB G DENNY

Area Sales Report

Recent Sales in Area

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

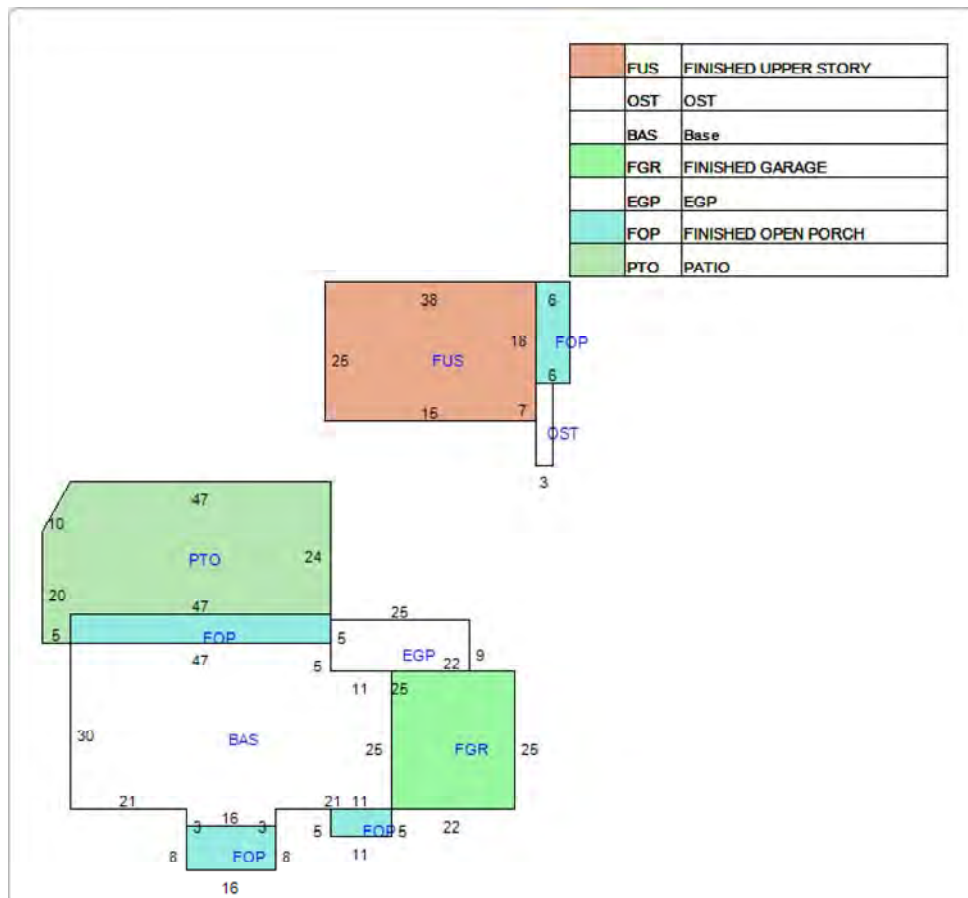
Tax Estimator

[Tax Estimator](#)

Map



Sketches



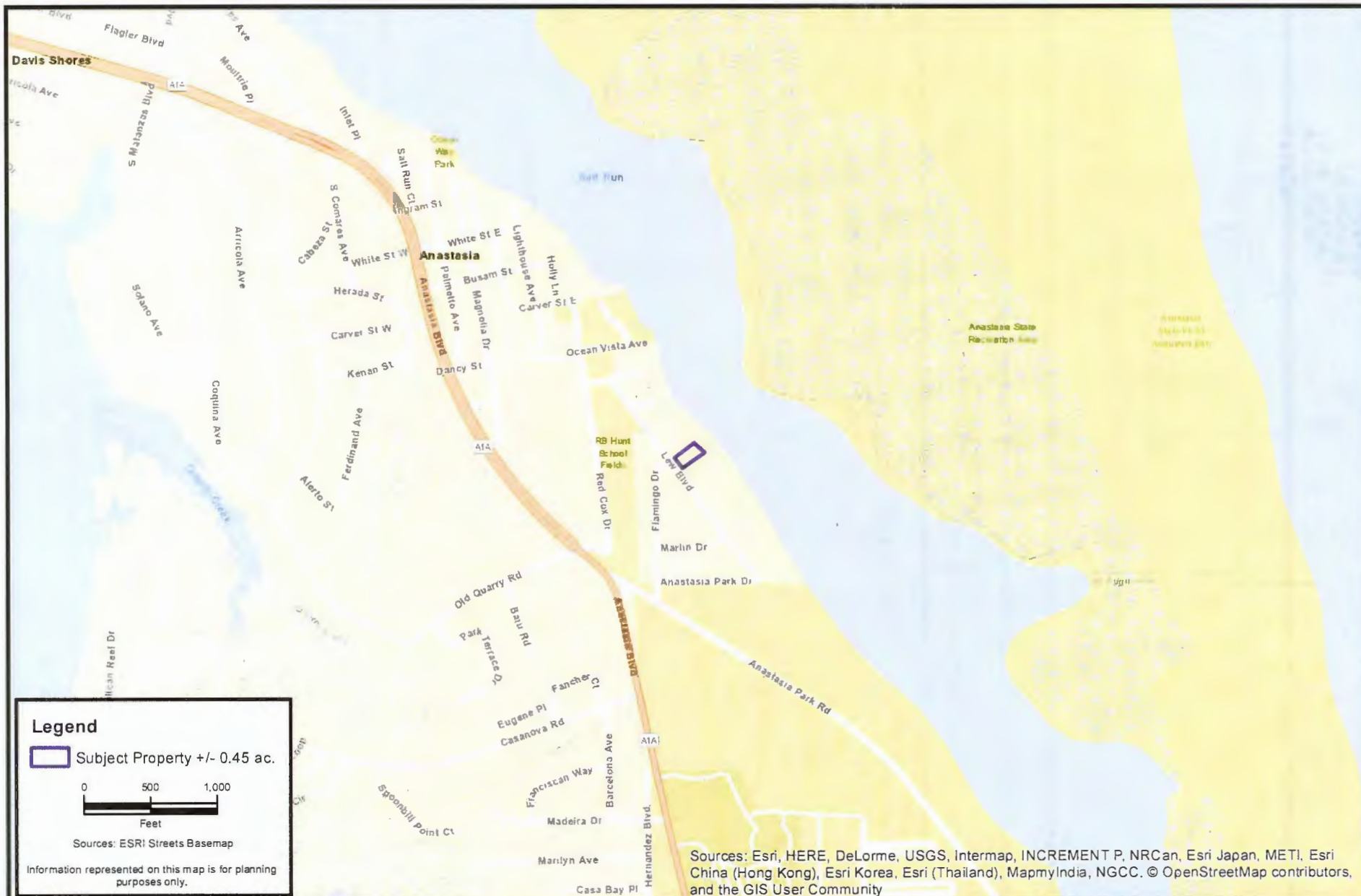
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 11/20/2018 10:53:08 PM

Developed by



Attachment 3
Location Maps



CARTER ENVIRONMENTAL
SERVICES, INC.



7 Waldo Street
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

919 Lew Blvd.

Project: 5.18331

St. Augustine, FL

Date: Nov 01 2018

Figure:

1





CARTER ENVIRONMENTAL
SERVICES, INC.

CES

7 Waldo Street
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Aerial Map

919 Lew Blvd.

Project: 5.18331

St. Augustine, FL

Date: Nov 01 2018

Figure:

2



Google Maps 919 Lew Blvd



Imagery ©2018 Google, Map data ©2018 Google 200 ft

**919 Lew Blvd**

St. Augustine, FL 32080



VPM8+83 St. Augustine, Florida



Attachment 4
Dock Information



CARTER ENVIRONMENTAL
SERVICES, INC.

CES

7 Waldo Street
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock

919 Lew Blvd.

Project: 5.18331

St. Augustine, FL

Date: Nov 01 2018

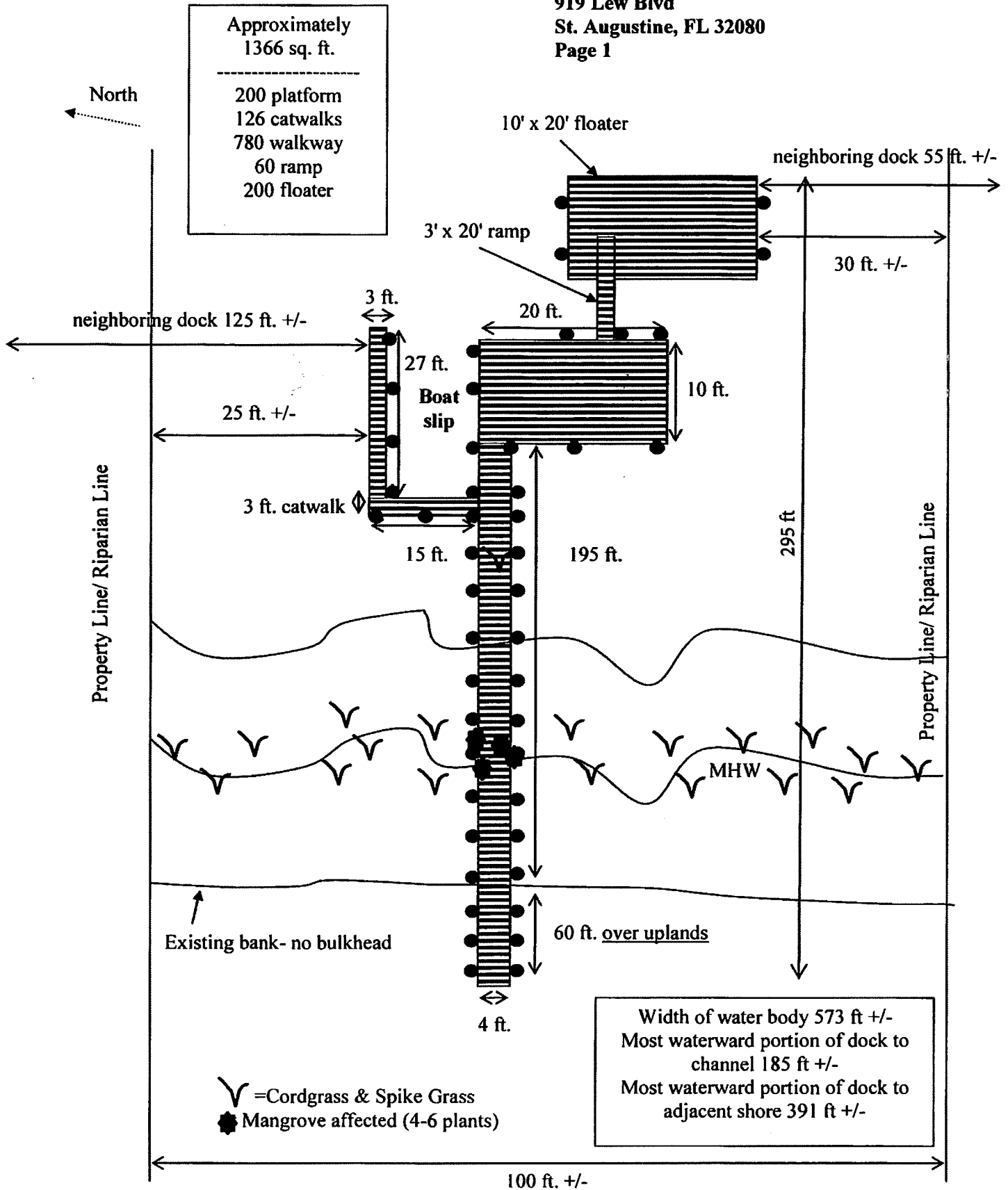
Figure:

3

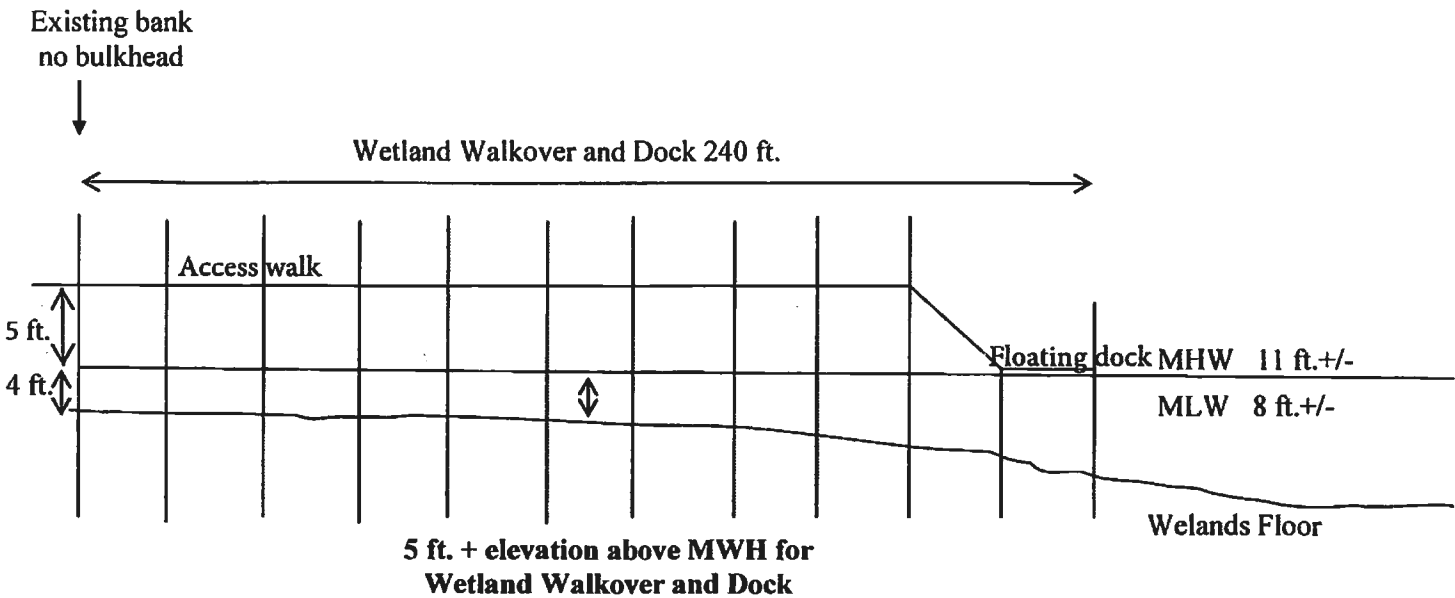


**Proposed Dock
Salt Run**

Jamie Farrell & John Sebastyn
919 Lew Blvd
St. Augustine, FL 32080
Page 1

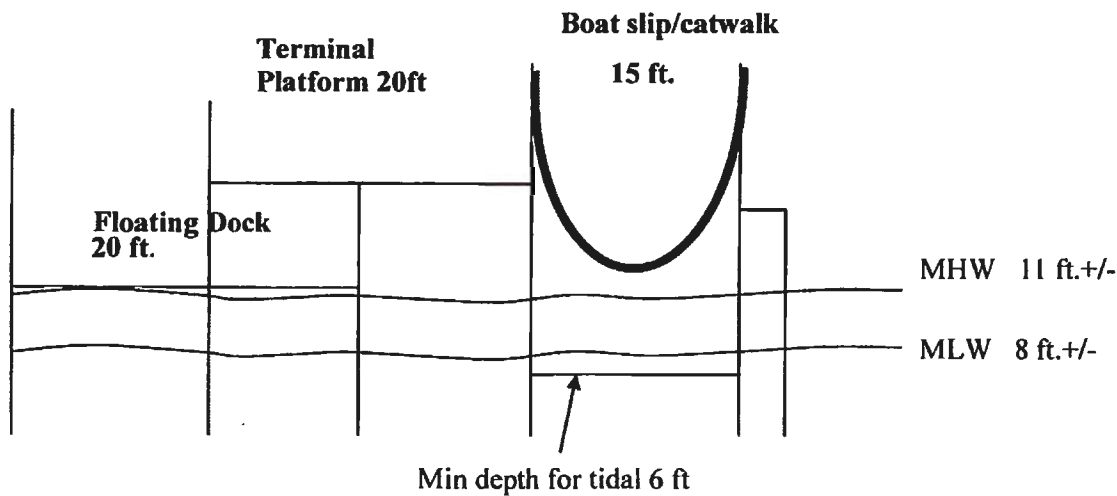


Side View of Dock



Handrails being run down both sides
of the length of the access pier and
around South & East sides of
Terminal Platform

Cross Section of Dock



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2018-0167**

AGENDA ITEM 7(d)

APPLICANT Ryan Carter
C/o Carter Environmental Services, Inc.

OWNER Fish Island Development, LLC

LOCATION PIN#: 1622100016 (Area roughly bounded by Plantation Island Drive S. projected to the Matanzas River, Matanzas River, State Road 312, then Plantation Island Drive S.)

REQUEST To approve removal of preserved trees (Oaks & Cedars) for a linear retention pond to serve the neighboring parcel located at PIN#: 1622100021.

PLANS DATED December 26, 2018

LAND USE Commercial Medium Intensity

ZONING Commercial Medium 2 (CM-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as

specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
 - (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
 - (2) Fifty (50) percent of the tree canopy on the site is retained.
- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
 - (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a preserved tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing to remove preserved trees consisting of Live Oaks and Cedars and mitigate their removal in order to place a water management district approved linear detention system. This system will be fifty (50) foot wide and be composed of 1.33 acres (57,934 square feet) in overall size to reach an existing detention system already located on the site. This system is designed to serve a proposed commercial development on a parcel of land located at the SW corner of State Road 312 and Plantation Island Drive S. Presently there are civil (construction) plans in for this commercial site and the drainage plan has been included in your packet as information only (see attachment 5).

In order to determine overall tree calculations the applicant has chosen to conduct a review of trees within a 10,000 square foot area. Within this area they have determined there are twenty (20) trees consisting of living and dead specimens (see attachment 6) needing removal. This has been calculated to be thirty-one (31) debits. In order to determine mitigate they have calculated the overall acreage times the debits and this is calculated at forty-two (42) credits. A mitigation sheet showing plantings of Eastern Red Cedars and Live Oaks have been shown indicating the replanting schedule. These replanting's will only cover part of the overall site. An arborist report has not been provided indicating the health and structure of the trees.

If desired the Board, they can require more trees be planted at the site in order to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

1. Conservation Overlay Zone 3 Development to remove of preserved trees (Oaks & Cedars) for a linear retention pond to serve the neighboring parcel located at PIN#: 1622100021.

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
An arborist report has not been provided indicating the health of the trees however the tree removals are necessary to allow for St. Johns River Water Management District approved infrastructure improvements for the neighboring commercial site.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
Tree removals are necessary to accommodate an approved infrastructure project. City code and water management district regulations require capture and release of storm water. This is the only method formally permitted by the water management district to allow for storm water capture and release.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

Since the surrounding land is undeveloped and retains its natural growth, the removal of trees should not have an overall serious detrimental effect of erosion, moisture retention, surface water, and diversion.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
There are dense woods located on the parcel and the parcel is large. Removal of the trees should not have an overall negative effect on the property values or potentially further developing the site.
- e. Whether the tree has been designated a historic specimen, preserved or protected tree.
Most of the trees being removed are preserved trees.
- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization. – *Minimal due to nature of request.*
Water quality and aquifer recharge. – *Minimal due to nature of request.*
Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology but it should be partially restored with any additional plantings or preservation.*
Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
Air movement. – *This project should not affect air movement.*
Air quality. – *This project should not affect air quality.*
Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat would be minimal since the tree removal in relation to its parcel is minimal in nature. Also new trees would help mitigate the impact.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
It may be difficult to revise this plan as any movement of the linear retention system would impact additional trees.

The number of debits for tree removal is – 31.5 debits.

The number of credits for tree preservation is + Zero (0) credits.

The number of credits for tree plantings (incl. relocation) is + 42 credits

The number of remaining credits after calculating tree preservation and plantings: +11.5 credits.

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of preserved trees (Oaks & Cedars) for a linear retention pond to serve the neighboring parcel located at PIN#: 1622100021 within Conservation Overlay Zone 3.

SUPPLIMENTS

Attachment 1 – Application.

Attachment 2 – Location Map.

Attachment 3 – Property Appraiser Info.

Attachment 4 – Water Management District Permit.

Attachment 5 – Commercial Construction Plan for Neighboring Site.

Attachment 5 – Tree Removal - Landscape Plans

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330

BDAC Project No. _____

Receipt No. _____

Meeting Date: _____

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786
Business (if applicable): Carter Environmental Services, Inc.
Address: 7 Waldo Street, Suite 7C City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Fish Island Development LLC Daytime Telephone: _____
Business (if applicable): Fish Island Development LLC
Address: 10175 Fortune Pkwy Unit 703 City: Jacksonville State: FL Zip: 32256

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: _____ Block: _____
Subdivision: N/A Parcel Number: 1622100016

4. PROJECT STREET ADDRESS: State Road 312 St. Augustine FL 32080

5. SPECIFIC PROPOSED USE: Tree removal

6. ACTION REQUESTED

- | | |
|--|---|
| ☐ Exception | ☐ Appeal of Staff Determination |
| ☐ Rezoning | ☐ Variance |
| ☐ Land Use Plan Amendment | ☒ Conservation Zone Development |

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12

Signature of Applicant

Date

12-6-18

13

Signature of Property Owner

Date

12-7-18

CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

R. A. Carter

Signature of applicant

12-6-18

Date

**Fish Island Village Wet Detention Area Tree Removal Request
Overlay Zone Development Application Supplement
December 2018**

This narrative is intended to supplement the Conservation Overlay Zone Development application for Fish Island Village (PW 2018-1016).

This supplement seeks approval for the removal of trees related to the construction of a linear wet detention pond servicing the Fish Island Village Development. The wet detention pond occurs offsite of the Fish Island Development, directly to the west (Figure 1 - 3) (PID: 1622100016) and was approved under SJRWMD permit #102001-9 (plans attached).

All tree impacts will be mitigated for according to City code. A 10,000 square foot plot was inventoried associated with the 1.33 ac. stormwater detention area (Figure 3). Credits were extrapolated based on the total project area. The tree removal credits within the off-site detention area are calculated in the table located on Sheet L-1 (attached) from A&K Land Planning & Design.

Due to the large number of trees to be surveyed, a 10,000 square foot plot was inventoried associated with the overall 1.33 ac. area proposed to be cleared (Figure 3). Credits were extrapolated based on the total area. Total tree mitigation credits required for the cleared area will be 42 credits and 42 credits will be provided via supplemental plantings.

Applications for development in Conservation Overlay Zone 3 are to be evaluated according to certain criteria set forth in Section 11-29.d.1 of the City Code. The owner has complied with each of those seven criteria, as detailed below:

1. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - a. **The trees proposed for removal interfere with a permitted St. Johns River Water Management (SJRWMD) temporary linear stormwater management facility.**
2. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - a. **The trees proposed for removal are within a permitted St. Johns River Water Management (SJRWMD) temporary linear stormwater management facility. The facility is required to treat the stormwater associated with the adjacent commercial project. If the adjacent development doesn't become developed then the**

stormwater facility will become permanent. However, if the adjacent development becomes developed the stormwater from the commercial project will be treated within a future pond.

3. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

- a. **As stated above, the tree removals are required for grading a linear stormwater management facility. After grading is complete, many more native desirable trees will be installed at the top of bank of the linear pond/swale. As required, by the SJRWMD permit the pre-construction water flows and rates will equal the post developed water flows and rates.**

4. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

- a. **The tree removal is proposed on undeveloped land outside of a neighborhood. The tree removal will be within a 48-foot wide drainage pond/swale. Any trees outside of that are will remain. Therefore, vehicles traveling on SR 312, the residents at Allegro and the condominiums at Harbor Vista will likely not see the tree removal.**

5. Whether the tree has been designated a historic specimen, preserved or protected tree

- a. **No historic specimens have been identified with proposed stormwater pond footprint. There are protected trees and those are quantified on the attached plans from A&K Land Planning & Design.**

6. Impact upon the urban and natural environment, including:

- a. Ground and surface water stabilization.

- i. **None. It's permitted by SJRWMD.**

- b. Water quality and aquifer recharge

- i. The stormwater management facility is designed to improve water quality.
- c. Ecological Impacts
 - i. Total tree mitigation credits required for the cleared area will be 42 credits and 42 credits will be provided via supplemental plantings.
- d. Noise pollution
 - i. During the construction of the development and the off-site stormwater facility they'll be noise from construction activities.
- e. Air movement
 - i. none
- f. Air quality
 - i. More tree inches will be planted than removed
- g. Wildlife habitat
 - i. The stormwater pond will have an open water component that will attract wading birds. Further, the smaller trees adjacent to the existing forest provides an uneven age forest ideal for roosting.
- 7. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
 - a. The tree removal is required to comply with the permitted SJRWMD stormwater management facility. The footprint can't be modified to avoid and minimize impacts to trees.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
FISH ISLAND DEVELOPMENT, L.L.C.

Filing Information

Document Number	L01000003185
FEI/EIN Number	59-3702187
Date Filed	03/01/2001
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	05/14/2003
Event Effective Date	NONE

Principal Address

10175 Fortune Parkway
Suite 703
Jacksonville, FL 32256

Changed: 04/07/2015

Mailing Address

10175 Fortune Parkway
Suite 703
Jacksonville, FL 32256

Changed: 04/07/2015

Registered Agent Name & Address

YOUNG, JAMES R
10175 Fortune Parkway
Suite 703
Jacksonville, FL 32256

Name Changed: 06/03/2002

Address Changed: 04/07/2015

Authorized Person(s) Detail

Name & Address

Title MGRM

YOUNG LAND GROUP, INC.
 10175 Fortune Parkway
 Suite 703
 Jacksonville, FL 32256

Annual Reports

Report Year	Filed Date
2016	03/28/2016
2017	04/27/2017
2018	01/16/2018

Document Images

01/16/2018 -- ANNUAL REPORT	View image in PDF format
04/27/2017 -- ANNUAL REPORT	View image in PDF format
03/28/2016 -- ANNUAL REPORT	View image in PDF format
04/07/2015 -- ANNUAL REPORT	View image in PDF format
03/26/2014 -- ANNUAL REPORT	View image in PDF format
03/20/2013 -- ANNUAL REPORT	View image in PDF format
01/24/2012 -- ANNUAL REPORT	View image in PDF format
02/24/2011 -- ANNUAL REPORT	View image in PDF format
03/29/2010 -- ANNUAL REPORT	View image in PDF format
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04/30/2007 -- ANNUAL REPORT	View image in PDF format
04/14/2006 -- ANNUAL REPORT	View image in PDF format
03/11/2005 -- ANNUAL REPORT	View image in PDF format
03/10/2004 -- ANNUAL REPORT	View image in PDF format
05/14/2003 -- Amendment	View image in PDF format
03/04/2003 -- ANNUAL REPORT	View image in PDF format
06/03/2002 -- ANNUAL REPORT	View image in PDF format
03/01/2001 -- Florida Limited Liabilites	View image in PDF format

Attachment 2
Location Map(s)



**CARTER ENVIRONMENTAL
SERVICES, INC.**



7 Waldo Street
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Location Map

Fish Island Village - Wet Detention Pond

Project: 5.18398

St. Augustine, FL

Date: Dec 19 2018

Figure:

1



Attachment 3

Property Appraiser Information



St. Johns County, FL

Quick Links

[My Tax Bill](#)[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1622100016
Location STATE ROAD 312
Address SAINT AUGUSTINE 32080-0000
Neighborhood M&B(dev)E & S Intercoastal- W Ocean - N Cnty Line (2650.69)
Tax Description* 3-1F PTS OF GLS 2 & 3 LYING S OF SR312 - DEED PARCELS 1 & 2 (EX ANY PT OF PARCEL 2 OUTSIDE CITY LIMITS OF CITY OF ST AUG) (EX PT IN OR3015/910) OR1956/19 & 1956/27(Q/C) & 1956/33(Q/C)
*The Description above is not to be used on legal documents.
Property Use Code Vacant Residential (0000)
Subdivision N/A
Sec/Twp/Rng 29-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 36.640
Homestead N

View Map

Owner

Owner Name Fish Island Development LLC 100%
Mailing Address 10175 FORTUNE PKWY UNIT 703
JACKSONVILLE, FL 32256-6753

Valuation

	2019
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$1,465,030
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,465,030
Total Deferred	\$0
Assessed Value	\$1,465,030
Total Exemptions	\$0
Taxable Value	\$1,465,030

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$1,465,030	\$0	\$0	\$1,465,030	\$1,465,030	\$0	\$1,465,030
2017	\$0	\$0	\$1,465,030	\$0	\$0	\$1,465,030	\$1,465,030	\$0	\$1,465,030
2016	\$0	\$0	\$1,465,030	\$0	\$0	\$1,465,030	\$1,465,030	\$0	\$1,465,030
2015	\$0	\$0	\$1,465,030	\$0	\$0	\$1,465,030	\$1,465,030	\$0	\$1,465,030
2014	\$0	\$0	\$1,465,030	\$0	\$0	\$1,465,030	\$1,465,030	\$0	\$1,465,030
2013	\$0	\$0	\$1,465,030	\$0	\$0	\$1,465,030	\$1,465,030	\$0	\$1,465,030
2012	\$0	\$0	\$1,756,565	\$0	\$0	\$1,756,565	\$1,756,565	\$0	\$1,756,565
2011	\$0	\$0	\$1,951,265	\$0	\$0	\$1,951,265	\$1,951,265	\$0	\$1,951,265
2010	\$0	\$0	\$2,600,265	\$0	\$0	\$2,600,265	\$2,600,265	\$0	\$2,600,265

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	21.64	AC	\$1,460,700
Conservation Easements	0	0	7.03	AC	\$1,758
Marshes & Tidal Lands	0	0	2.32	AC	\$1,160
Marshes & Tidal Lands	0	0	5.65	AC	\$1,412

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/30/2017	1/27/2017	\$0.00	LP	4323	1547	U	V	ATLANTIC COAST BANK	FISH ISLAND DEVELOPMENT LLC
5/30/2012	3/20/2012	\$100.00	CE	3567	408	U	V	ST JOHNS RIVER WATER MANAGEMENT DISTRICT	FISH ISLAND DEVELOPMENT LLC
7/19/2011	7/18/2011	\$100.00	CE	3455	1925	U	V	FISH ISLAND DEVELOPMENT LLC	ST JOHNS RIVER WATER MANAGEMENT DISTRICT
	11/19/2007	\$0.00	OI	3015	848	U	V		FISH ISLAND DEVELOPMENT LLC
	11/25/2002	\$100.00	QC	1956	27	U	V	THOMPSON BROS REALTY ETAL	FISH ISLAND DEVELOPMENT LLC
	11/25/2002	\$100.00	QC	1956	33	U	V	THOMPSON BROS REALTY ETAL	FISH ISLAND DEVELOPMENT LLC
	11/21/2002	\$2,600,000.00	WD	1956	19	Q	V	THOMPSON BROS REALTY INC ETAL	FISH ISLAND DEVELOPMENT LLC

Area Sales Report

Recent Sales in Area

Clerk of Court

[Clerk of Court](#)

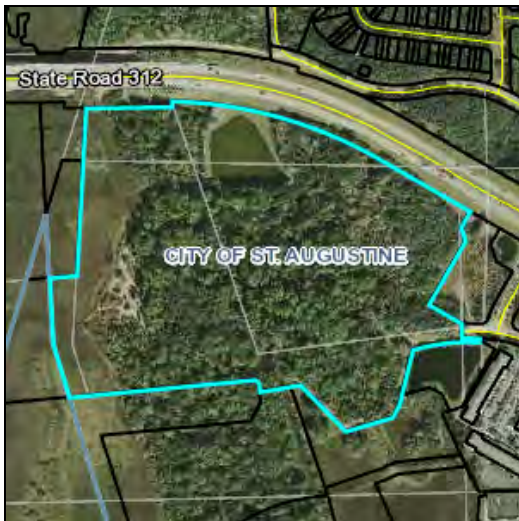
Tax Collector

[My Tax Bill](#)

Tax Estimator

[Tax Estimator](#)

Map



No data available for the following modules: Exemptions, Building Information, Extra Features, Sketches.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 12/4/2018, 11:04:33 PM

Developed by
 Schneider
 GEOSPATIAL

Attachment 4

Water Management District Permit



St. Johns River

Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

November 14, 2018

Amir Sabet
Fish Island Village, LLC
7006 Atlantic Blvd
Jacksonville, FL 32211-8706

SUBJECT: 102001-9
Fish Island Village

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on November 14, 2018. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at www.sjrwmd.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at www.sjrwmd.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need

GOVERNING BOARD

John A. Miklos, CHAIRMAN
ORLANDO

Fred N. Roberts Jr., VICE CHAIRMAN
OCALA

Chuck Drake, SECRETARY
ORLANDO

Ron Howse, TREASURER
COCOA

Douglas C. Bournique
VERO BEACH

Douglas Burnett
ST. AUGUSTINE

Susan Dolan
SANFORD

Janet Price
FERNANDINA BEACH

Allan Roberts
ST. AUGUSTINE

copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

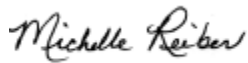
Transferring Your Permit:

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.sjrwmd.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,



Michelle Reiber, Bureau Chief
Regulatory Services
St. Johns River Water Management District
525 Community College Parkway, S.E.
Palm Bay, FL 32909
(321) 409-2129

Enclosures: Permit

cc: District Permit File

Gary Abbey
Abbey Civil Engineers, Inc.
2046 Cherokee Dr
Neptune Beach, FL 32266-1533

Gary Abbey
Abbey Civil Engineers, Inc.
2046 Cherokee Dr
Neptune Beach, FL 32266-1533

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 102001-9

DATE ISSUED: November 14, 2018

PROJECT NAME: Fish Island Village

A PERMIT AUTHORIZING:

Authorization of a Stormwater Management System for Fish Island Village, a 3.31 - acre project to be constructed and operated as per plans received by the District on October 31, 2018 and as amended by the plans received by the District on November 13, 2018.

LOCATION:

Section(s): 29
St. Johns County

Township(s): 7S

Range(s): 30E

Receiving Water Body:

Name	Class
Matanzas River	III Marine

ISSUED TO:

Fish Island Village, LLC
7006 Atlantic Blvd
Jacksonville, FL 32211-8706

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

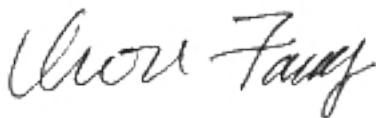
This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

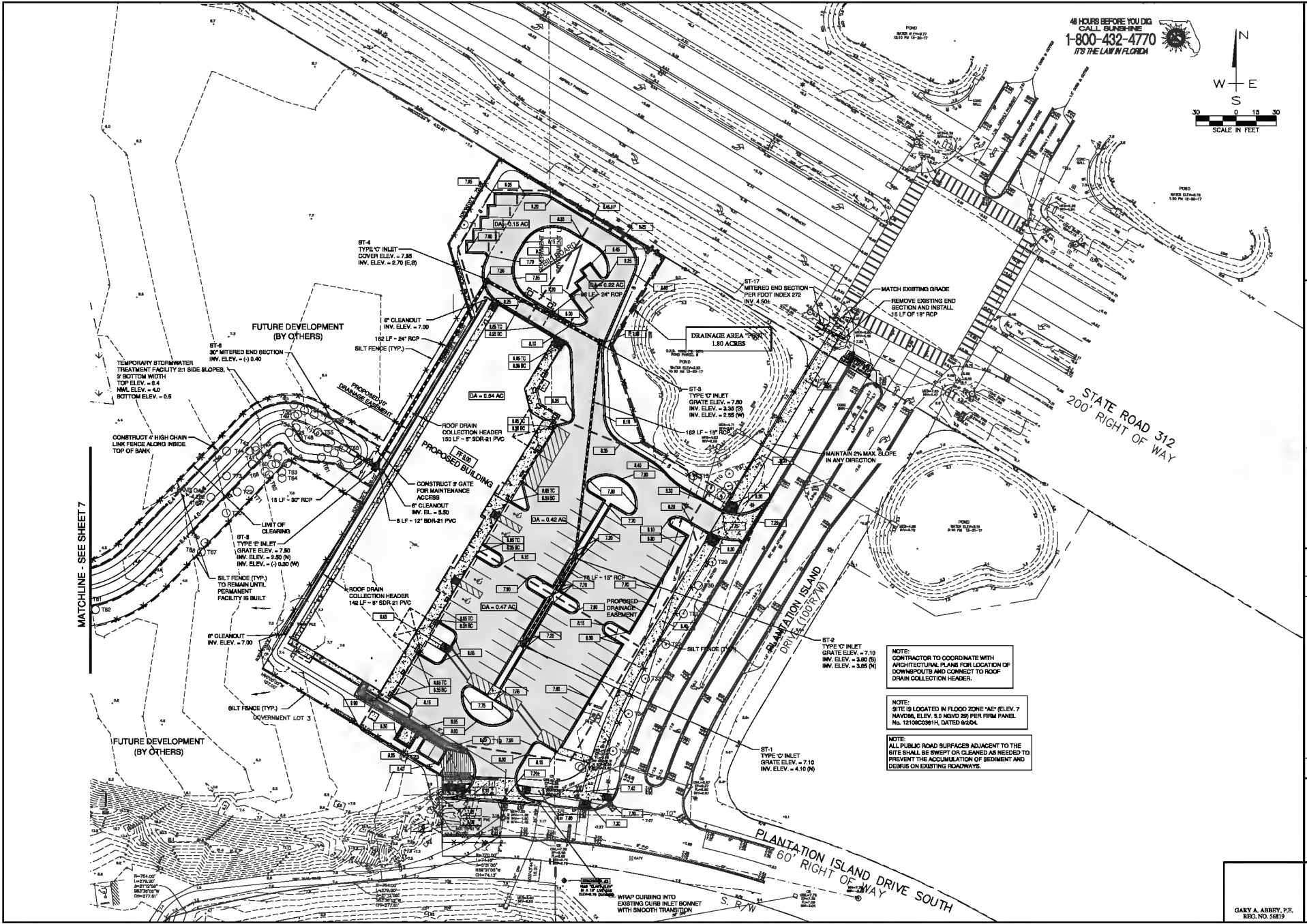
PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated November 14, 2018

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory Services

By: 

Chou Fang
Supervising Professional Engineer



48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770
IT'S THE LAW IN FLORIDA



FISH ISLAND VILLAGE
CITY OF ST. AUGUSTINE, FLORIDA
PREPARED FOR: FISH ISLAND VILLAGE, LLC

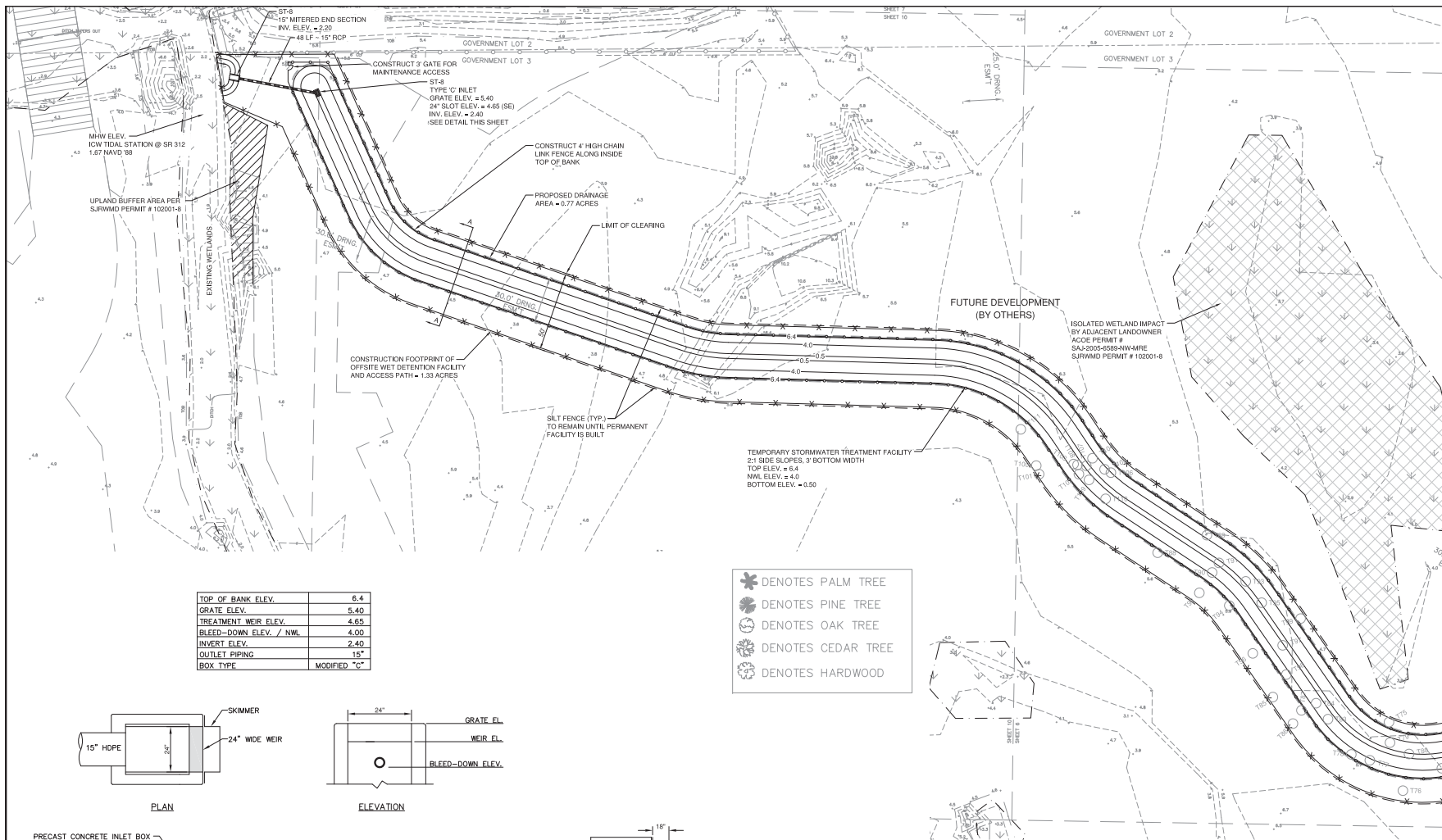
PAVING AND DRAINAGE PLAN



10045 CHANDLER DRIVE, NEPTUNE BEACH, FLORIDA 32061
PHONE: (904) 818-1111

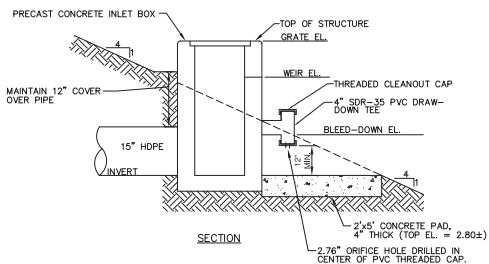
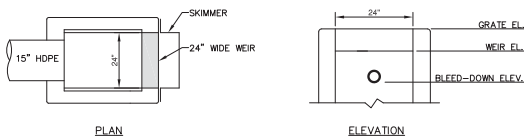
NO.	DATE	BY	REVISIONS
1	REVISED PER CITY REVIEW	JPM	10/24/18
2	ADD POND FENCE FOR SOUND	JPM	11/17/18
3			
4			
5			
6			
7			
8			
9			
10			

JOB NO.: 18005
DATE: 10/18/18
DRAWN BY: JPM
CHECKED BY: GAA
APPROVED BY: FAA
SCALE: 1"=30'



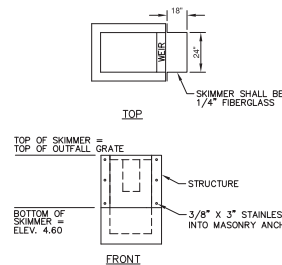
MATCHLINE - SEE SHEET 4

TOP OF BANK ELEV.	6.4
GRATE ELEV.	5.40
TREATMENT WEIR ELEV.	4.65
BLEED-DOWN ELEV. / NWL	4.00
INVERT ELEV.	2.40
OUTLET PIPING	15"
BOX TYPE	MODIFIED "C"



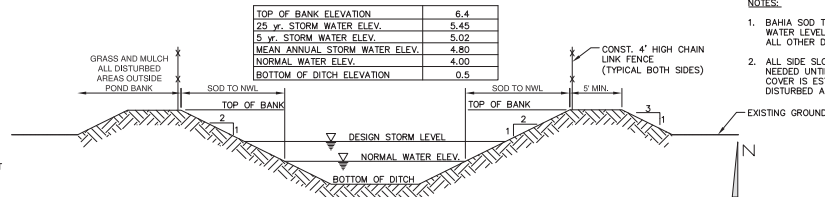
OUTLET CONTROL STRUCTURE DETAILS

NOT TO SCALE



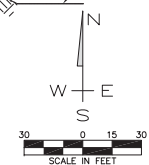
SKIMMER DETAIL

NOT TO SCALE



TYPICAL DITCH SECTION

NOT TO SCALE



- NOTES:
- BAHIA SOD TOP OF BANK TO NORMAL WATER LEVEL. BAHIA SEED AND MULCH ALL OTHER DISTURBED AREAS.
 - ALL SIDE SLOPES SHALL BE REGRADED AS NEEDED UNTIL A PERMANENT GRASS COVER IS ESTABLISHED ALONG ENTIRE DISTURBED AREA.

FISH ISLAND VILLAGE
CITY OF ST. AUGUSTINE, FLORIDA
PREPARED FOR: FISH ISLAND VILLAGE, LLC

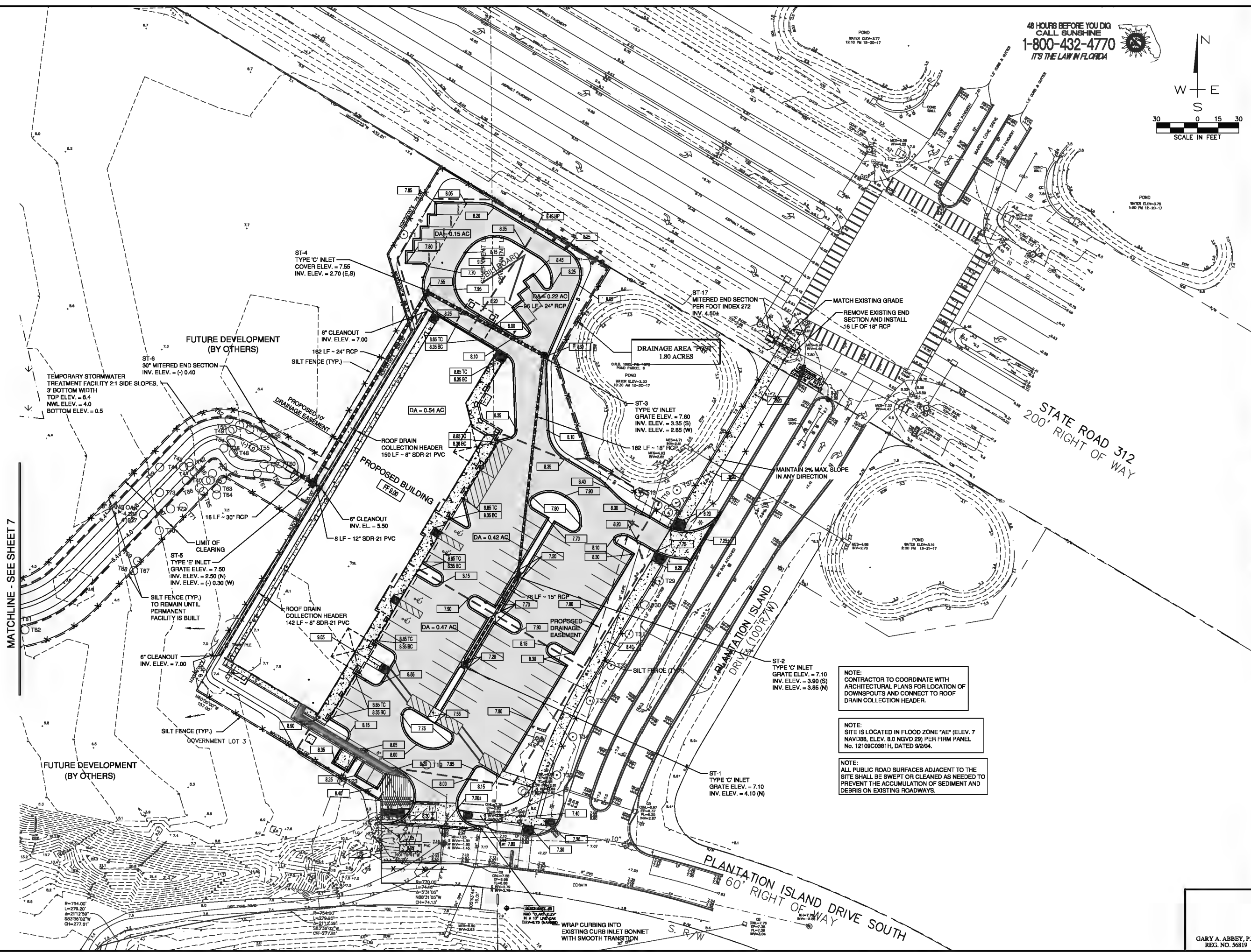


2046 CHEROKEE DRIVE, NEPTUNE BEACH, FLORIDA 32266
PHONE: (904) 518-4503

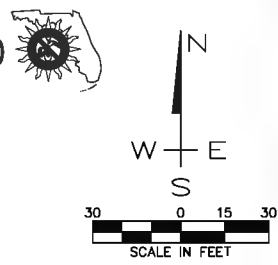
NO.	REVISIONS	BY	DATE
1	REVISED PER CITY REVIEW	JPM	10/26/18
2	ADD FORD FENCE PER SURWMD	JPM	11/17/18

JOB NO.: 18005
DATE: 7/6/18
DRAWN BY: JPM
CHECKED BY: GAA
APPROVED BY: FAA
SCALE: 1"=30'

Attachment 5
Commercial Construction
Plans for Neighboring Site



48 HOURS BEFORE YOU DIG
CALL: SUNSHINE
1-800-432-4770
IT'S THE LAW IN FLORIDA



FISH ISLAND VILLAGE
CITY OF ST. AUGUSTINE, FLORIDA
PREPARED FOR: FISH ISLAND VILLAGE, LLC

PAVING AND DRAINAGE PLAN



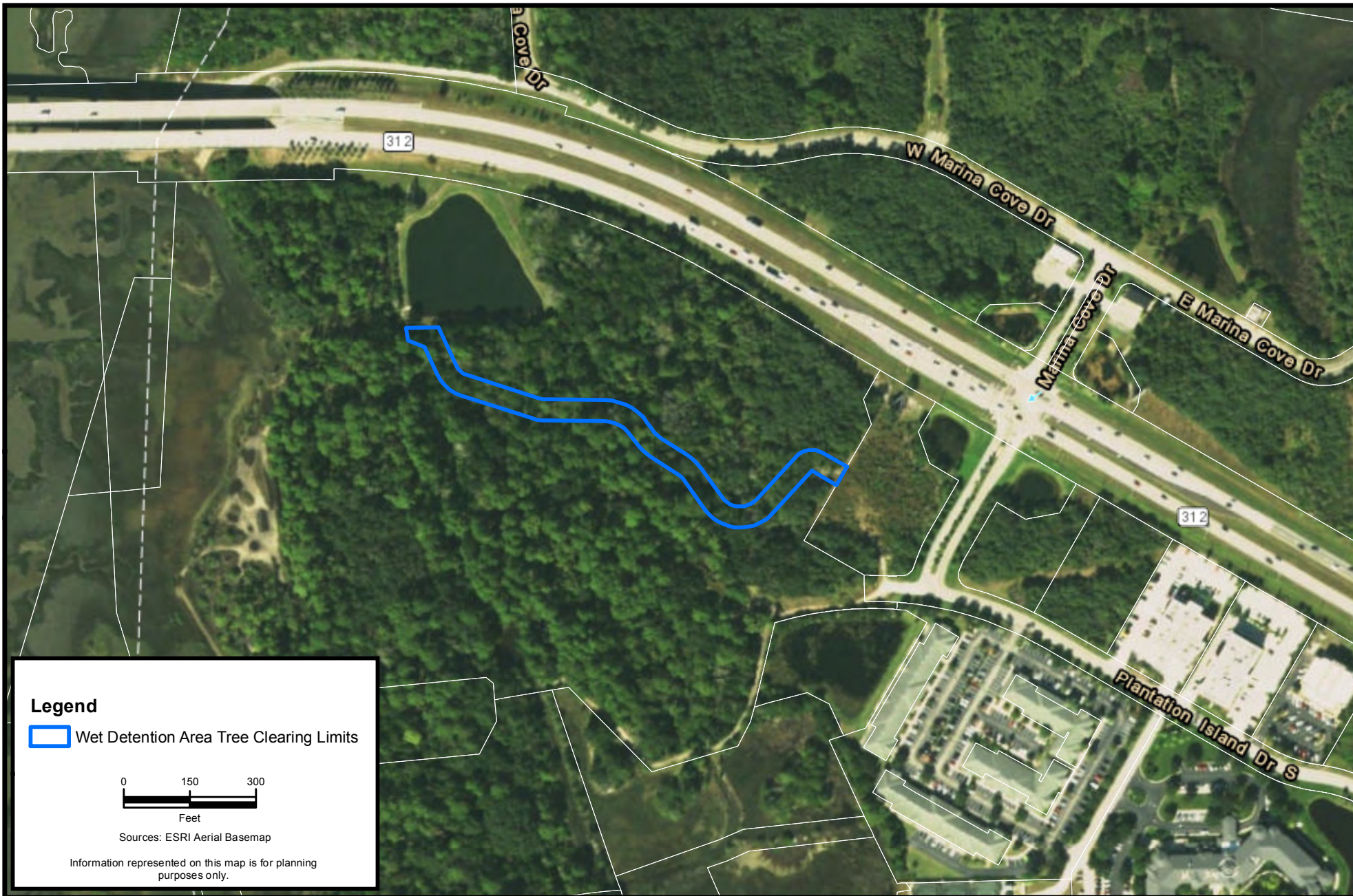
CIVIL ENGINEERS, INC.
2048S CHEROKEE DRIVE, NEPTUNE BEACH, FLORIDA 32266
PHONE: (904) 616-4870
CERT. OF AUTHORIZATION 9428

NO.	REVISED PER CITY REVIEW	REVISIONS	BY	DATE
1			JPM	10/26/18

JOB NO.: 18005	DATE: 7/6/18	DRAWN BY: JPM	CHECKED BY: GAA	APPROVED BY: FAA
SCALE: 1"=30'				

Attachment 6

Tree Removal - Landscape Plans



**CARTER ENVIRONMENTAL
SERVICES, INC.**



7 Waldo Street
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Aerial Map

Fish Island Village - Wet Detention Pond

Project: 5.18398

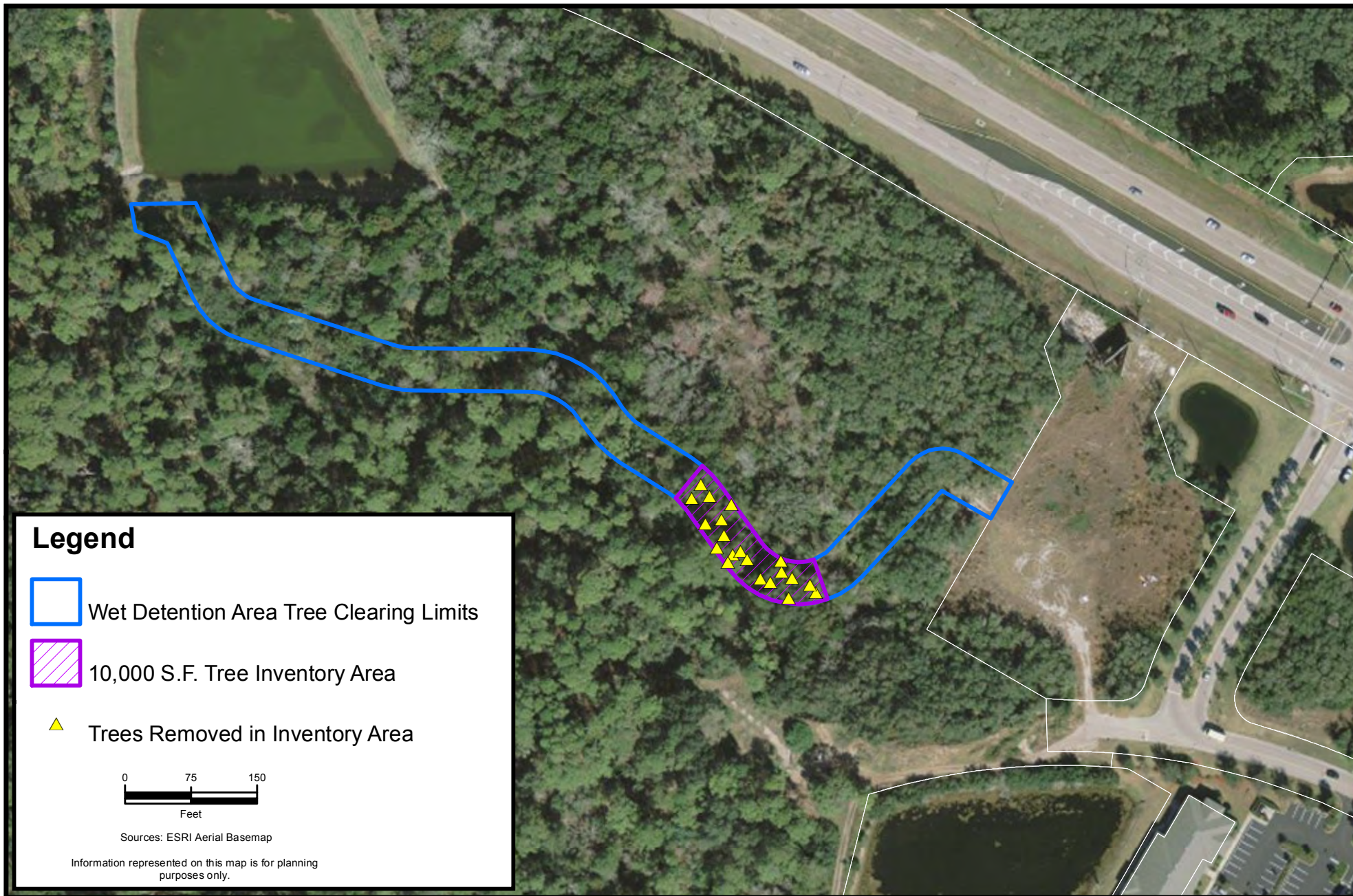
St. Augustine, FL

Date: Dec 19 2018

Figure:

2





Legend



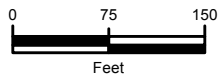
Wet Detention Area Tree Clearing Limits



10,000 S.F. Tree Inventory Area



Trees Removed in Inventory Area



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**



7 Waldo Street
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Trees Removal Plan

Fish Island Village - Wet Detention Pond

Project: 5.18398

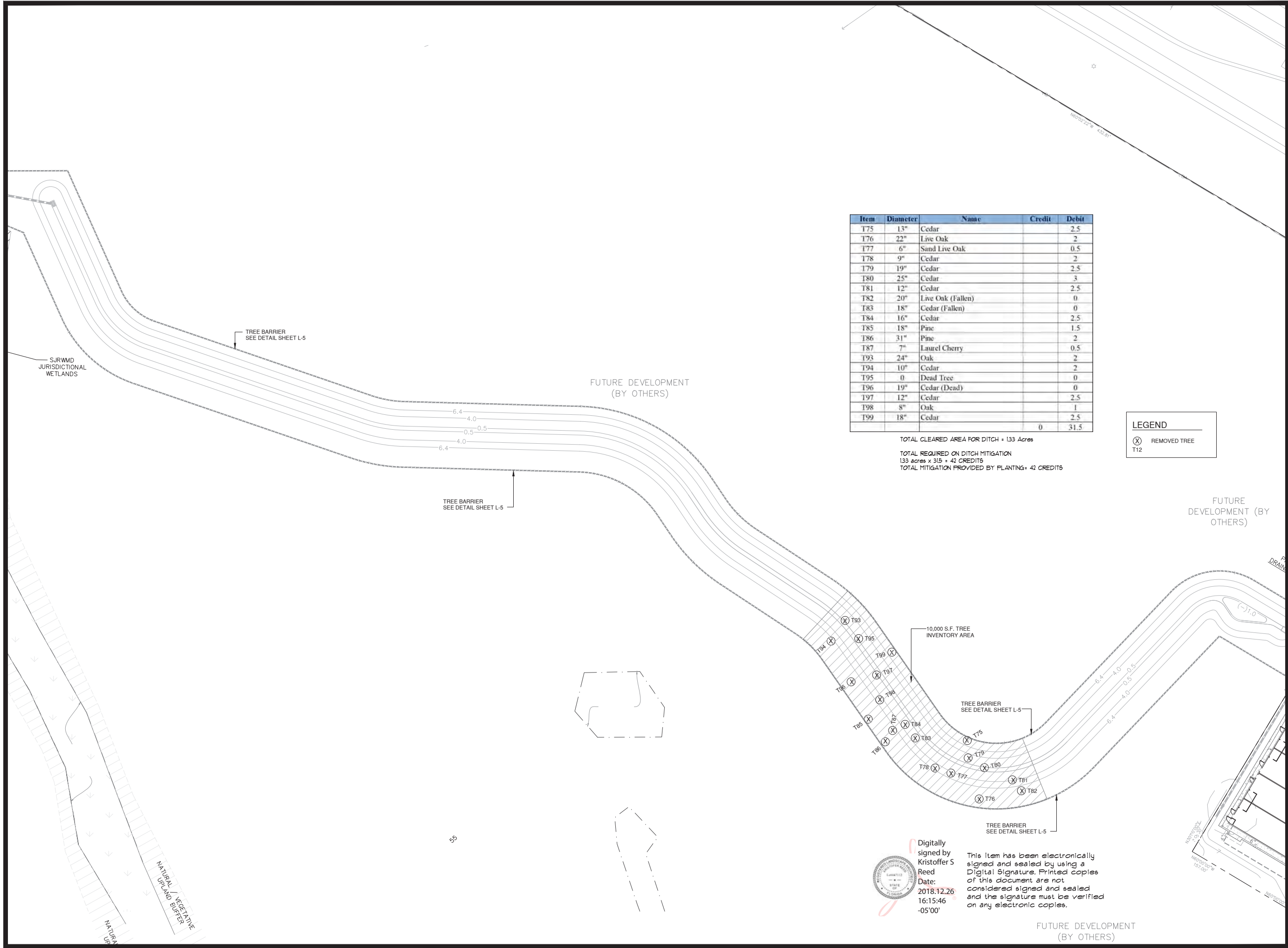
St. Augustine, FL

Date: Dec 19 2018

Figure:

3

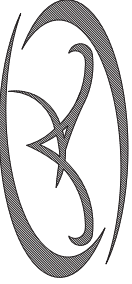




Item	Diameter	Name	Credit	Debit
T75	13"	Cedar		2.5
T76	22"	Live Oak		2
T77	6"	Sand Live Oak		0.5
T78	9"	Cedar		2
T79	19"	Cedar		2.5
T80	25"	Cedar		3
T81	12"	Cedar		2.5
T82	20"	Live Oak (Fallen)		0
T83	18"	Cedar (Fallen)		0
T84	16"	Cedar		2.5
T85	18"	Pine		1.5
T86	31"	Pine		2
T87	7"	Laurel Cherry		0.5
T93	24"	Oak		2
T94	10"	Cedar		2
T95	0	Dead Tree		0
T96	19"	Cedar (Dead)		0
T97	12"	Cedar		2.5
T98	8"	Oak		1
T99	18"	Cedar		2.5
			0	31.5

TOTAL CLEARED AREA FOR DITCH = 133 Acres
TOTAL REQUIRED ON DITCH MITIGATION
133 acres x 315 = 42 CREDITS
TOTAL MITIGATION PROVIDED BY PLANTING = 42 CREDITS

LEGEND
⊗ T12
REMOVED TREE



A & K LAND PLANNING & DESIGN

INC.

PHONE: 804.476-9802
416 TORTOISE TRAIL, SAINT JOHNS, FLORIDA 32550
FAX: 804.476-9803
3501 Highway 101, Suite 203
St. Augustine, FL 32086
#13466712

FISH ISLAND VILLAGE

CITY OF ST. AUGUSTINE, FLORIDA

PREPARED FOR: FISH ISLAND VILLAGE, LLC

REVISIONS :	10/19/18 PER CITY COMMENTS
	12/5/18 PER ENVIRONMENTAL COMMENTS
	12/21/18 PER ENVIRONMENTAL COMMENTS
	12/26/18 PER CITY COMMENTS



DATE : JULY 2, 2018

PROJECT NO. : 200739

DESIGNED BY : KSR

DRAWN BY : KSR

CHECKED BY : KSR

SCALE : 1" = 30'

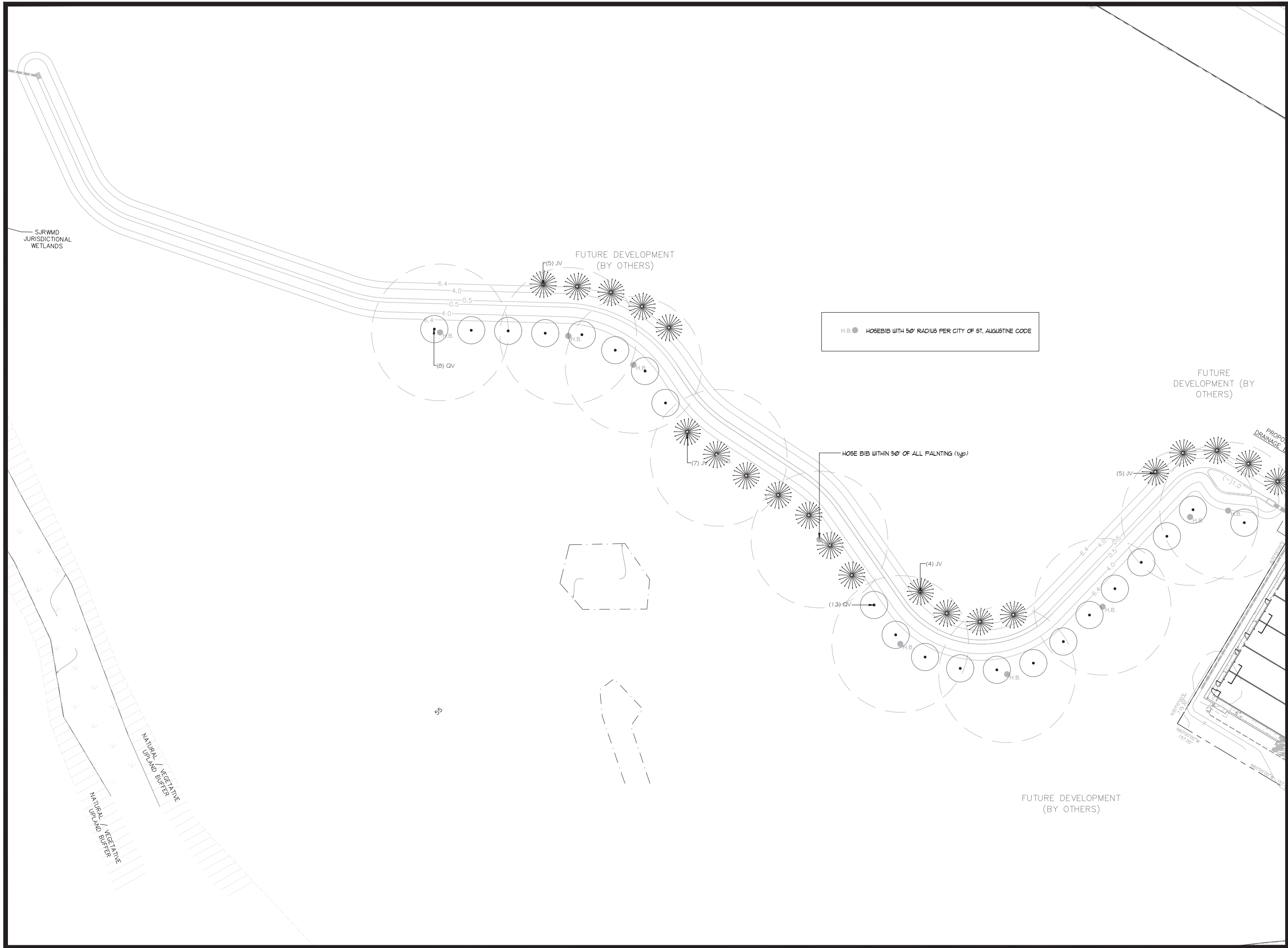
SHEET TITLE

TREE REMOVAL / PROTECTION PLAN

L-1

SHEET

FISH ISLAND VILLAGE, CITY OF ST. AUGUSTINE, FLORIDA





A & K LAND PLANNING & DESIGN
INC.
PHONE: 804.476-6002
416 TORTOSE TRAIL, SAINT JOHNS, FLORIDA 32550
FAX: 804.476-6003
SAINT JOHN'S ROAD 0231
#13466712

FISH ISLAND VILLAGE
CITY OF ST. AUGUSTINE, FLORIDA
PREPARED FOR: FISH ISLAND VILLAGE, LLC

REVISIONS :
10/19/18 PER CITY COMMENTS
12/5/18 PER ENVIRONMENTAL COMMENTS
12/21/18 PER ENVIRONMENTAL COMMENT
12/26/18 PER CITY COMMENTS



DATE : JULY 2, 2018
PROJECT NO. : 200739
DESIGNED BY : KSR
DRAWN BY : KSR
CHECKED BY : KSR
SCALE : 1" = 30'

SHEET TITLE
LANDSCAPE PLAN

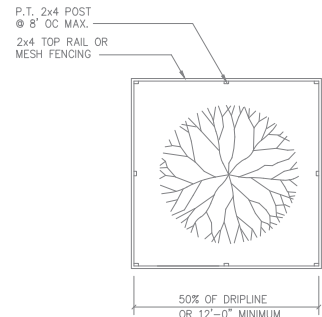
L-2
S H E E T

3. Prior to construction the landscape contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. The landscape contractor is responsible for repairing any and all damage to utilities, structures, site appurtenances, etc., which occurs as a result of the landscape construction.
2. When conditions detrimental to plant growth are encountered, such as rubble fill, adverse drainage conditions or obstructions, notify owner's representative before planting.
3. All plants must be healthy, vigorous material, free of pests and disease.
4. All trees, palms, and shrubs shall be grade "Florida Fancy" per Grades and Standards For Nursery Plants (parts one and two), available through Florida Dept. of Agriculture and Consumer Services.
5. All plant material must be approved by the Landscape Architect before the plant material is installed.
6. Any changes to the plant material (size, type, etc.), irrigation or any other deviations from the plans must be approved by the Landscape Architect prior to the change being implemented by the contractor. The contractor must provide written proof of authorization for any changes.
7. All plants to be field grown or container grown as indicated on plant list. Store plants in shade and protect from weather. If plants cannot be planted immediately upon delivery, properly protect them with soil, wet peat moss, or, in a manner acceptable to owner's rep. Do not remove container grown stock from containers until planting time. Protect roots of plant from drying or other possible injury. Keep plant ball moist at all times.
8. All plants shall be triangular spaced.
9. Obtain agronomic soils test for all planting areas and tree pits prior to excavation of tree pits. Tests shall be performed by an approved soils testing laboratory and shall include fertility and suitability analysis with written recommendations for soil amendments, fertilizer and chemical conditioner application rates for soil preparation, planting backfill mix, and post maintenance fertilization program. Submit a copy of soils report to owner's rep. and landscape architect.
10. Add soil amendments as recommended by soil test in quantities necessary to bring soil mixture to pH rating of between 5.5 and 6.0. Minerals used for pH correction shall be commercially produced for this purpose.
11. All plants and planting areas must be completely mulched as specified with three (3) inches of cypress mulch. Provide 4" minimum clearance of mulch from all shrub trunks and 6" minimum clearance from all tree trunks.
12. The landscape contractor is responsible for verifying all quantities shown on these plans, before pricing the work.
13. The planting shall be done in accordance with acceptable horticultural practices. This is to include proper planting mix, plant and tree pit preparation, pruning, staking or guying, wrapping, spraying, fertilization, planting, and adequate maintenance throughout the required maintenance period.
14. The landscape contractor is responsible for fully maintaining all planting (including but not limited to: pruning, watering, fertilizing, cultivating, weeding, mowing, mulching, tightening and repairing of guys, resetting plants to proper grade or upright position, restoration of plant saucer, and furnishing and applying such sprays as necessary to keep free of insects and diseases. The landscape contractor's responsibility for maintenance (exclusive of replacement within the guarantee period) shall terminate one year from the date of final acceptance by owner and landscape architect.
15. All trees, palms, shrubs and plant material shall be warranted for a period of one year after date of completion and acceptance of the entire project. Final acceptance of all landscaping under this contract shall constitute the beginning of the guarantee period. Replace, in accordance with the drawings and specifications, all plants that are dead or, as determined by the owner's representative, are in an unhealthy or unsightly condition, or have lost their natural shape due to dead branches, or other causes due to the contractor's negligence. Furnish and plant replacements which comply with requirements shown and specified. Warrant all replacement plants for one year after installation. The cost of such replacement(s) is at the contractor's expense.
16. All plants are subject to approval by the owner's representative. Prior to planting, all trees and palms must be approved by the owner or owner's rep.
17. Standards set forth in "American Standard for Nursery Stock" represent guideline specifications only and shall constitute minimum quality requirements for plant material.
18. At the conclusion of this planting, if the owner's rep. or owner has reason to believe that the plants are not of the specified grade, he will request a re-grading or inspection, and such evidence will be the basis for requesting replacement of plants and for legal or other action according to law, should this become necessary.
19. All planting beds to be treated with pre-emergent weed control prior to planting.
20. Contractor is to check the site weekly to insure all plant material is healthy and well watered.
21. All disturbed areas to be sodded.

TREES	QTY	BOTANICAL NAME / COMMON NAME	SPACING	SIZE	CREDITS
JV	21	Juniperus virginiana / Eastern Red Cedar	As Shown	2" cal. 10' - 12' ht. , 4' - 5' spd.	21 off site
QV	21	Quercus virginiana / Live Oak	As Shown	2" cal. 10' - 12' ht. , 4' - 5' spd.	21 off site

NOTES:

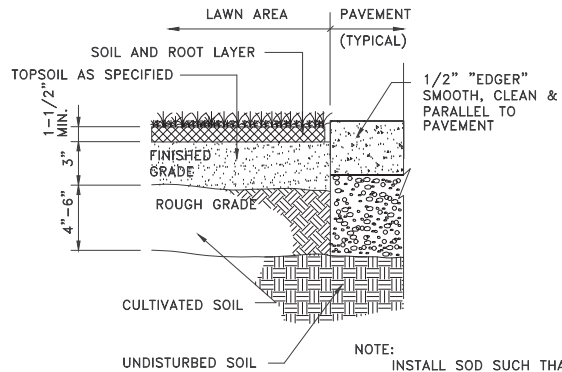
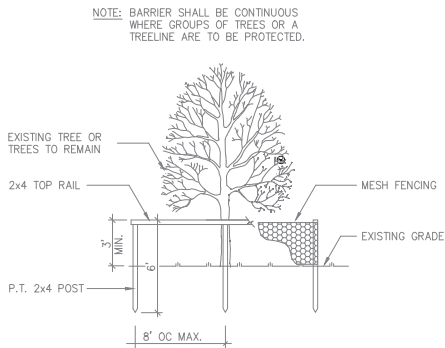
1. MULCH ALL PLANTING BEDS WITH 3" CYPRESS MULCH.
2. ALL DISTURBED AREAS NOT OTHERWISE LANDSCAPED SHALL BE SODDED WITH ST. AUGUSTINE 'FLORATAM' SOD.
3. ALL PLANT MATERIAL TO BE FLORIDA NO. 1 QUALITY OR BETTER.
4. NO SUBSTITUTIONS WITHOUT PRIOR WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT, AND THE CITY.
5. ALL TREES AND PLANTS SHALL MEET MINIMUM SPECIFIED SIZES IN INCHES AND FEET, REGARDLESS OF CONTAINER SIZE INDICATED. WHERE DIFFERENCES OCCUR, THE LARGER SPECIFICATION SHALL PREVAIL.
6. CONTRACTOR TO VERIFY ALL QUANTITIES



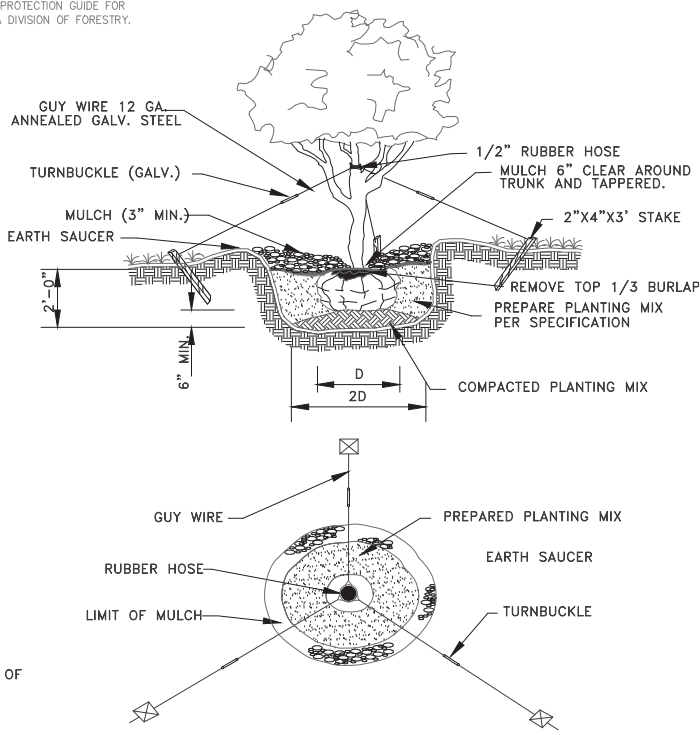
NOT TO SCALE

1. THE TEMPORARY BARRIER SHALL BE AT LEAST THREE (3) FEET HIGH, SHALL BE PLACED AT LEAST SIX (6) FEET AWAY FROM THE BASE OF ANY TREE, SHALL INCLUDE AT LEAST FIFTY (50) PERCENT OF THE AREA UNDER THE DRIPLINE OF ANY PROTECTOR TREE OR TREES.

2. THE BARRIER SHALL CONSIST OF EITHER A WOOD FENCE OR WITH 2"x4" MINIMUM TOP RAIL, OR TEMPORARY WIRE MESH FENCE, OR OTHER SIMILAR BARRIER WHICH WILL LIMIT ACCESS TO THE PROTECTED AREA, AND SHALL COMPLY WITH THE GUIDELINES IN THE "TREE PROTECTION GUIDE FOR BUILDERS AND DEVELOPERS" BY THE FLORIDA DIVISION OF FORESTRY.



NOTE:
INSTALL SOD SUCH THAT TOP OF
SOIL & ROOT LAYER IS LEVEL
WITH TOP OF PAVEMENT



TREE PLANTING DETAIL



A & K LAND PLANNING & DESIGN

PH(ONE) (904) 476-9692
416 TORTOISE TRACE, SAINT JOHNS, FLORIDA 32259
E-MAIL: ACTANDPLANNING@COMCAST.NET
Kristoffer Reed TLA
act@actgroup.com

FISH ISLAND VILLAGE

CITY OF ST. AUGUSTINE, FLORIDA

PREPARED FOR: FISH ISLAND VILLAGE, LLC

PREPARED FOR: FISH ISLAND VILLAGE, LLC

REVISIONS :

10/19/18 PER CITY COMMENTS

2/5/18 PER ENVIRONMENTAL COMMENTS

3/21/18 DEB ENVIRONMENTAL COMMENTS

2/21/18 PER ENVIRONMENTAL COMMENT

12/26/18 PER CITY COMMENTS

--	--

10

DATE : JULY 2, 2018

PROJECT NO. : 2007.39DESIGNED BY : KSR

DRAWN BY : KSR

CHECKED BY : KSR

SCALE : _____ N.T.S.

SHEET TITLE

LANDSCAPE
DETAILS

L-3
S H E E T

EIGHT ISLAND VILLAGE, CITY OF ST. AUGUSTINE, FLORIDA

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2018-0157**

AGENDA ITEM 7(e)

APPLICANT Brian Lynn
C/o Lynn Investments, LLC

OWNER Dominic Mercurio
C/o Mwm Acquisitions, LLC

LOCATION 1370 U.S. 1 South

REQUEST To approve removal of more than fifty (50) percent of the tree canopy, including nine (9) preserved trees (Oaks) within Conservation Overlay Zone 3.

PLANS DATED December 27, 2018

LAND USE Commercial Medium Intensity

ZONING Commercial Medium 2 (CM-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3,

- except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
- (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
 - (2) Fifty (50) percent of the tree canopy on the site is retained.
- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a preserved tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing to remove more than fifty percent (50%) of the tree canopy which will consist of eight (8) preserved Live Oak trees. Initially this was advertised as remove of nine (9) preserved Oak trees, but this has been reduced since advertising the agenda. This removal is to allow for a proposed one (1) story 4,100 square foot commercial building. There will be tree preservation on the site. In particular there will at least four (4) trees protected (shown as purple in attachment 5) on the site. Also, one (1) four inch (4") diameter Live Oak will be planted on the site for mitigation.

An arborist report has been provided indicating that most trees are in good condition with normal crown ratios for their ages. However, trees 3, 6, 8, 13, 15, and 17 are indicated to be in poor health and may necessitate removal. The applicant has proposed retaining trees 8 & 13 despite the poor health. Staff has concerns these trees are being preserved at the site. Removal of these trees would open up space where more healthy trees could be placed onsite and result in an overall eleven (11) debits. Under our Code standards, planting would result in the following credits, outside the buffer:

Tree with diameter of two (2) inches - 1 credit

Tree with diameter of three (3) inches - 1.5 credits

Tree with diameter of four (4) inches - 2 credits

Tree with diameter of five (5) inches - 3 credits

Tree with diameter of six (6) inches but less than twelve (12) inches - 4 credits

Tree with diameter of twelve (12) inches or greater - 5 credits

1. Conservation Overlay Zone 3 Development to remove a more than fifty percent (50%) of the tree canopy and eight (8) preserved tree(s).

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
The arborist report indicates these trees are in overall good condition with the exception of trees noted within the report. Failure of the tree is more likely when it is in poor condition.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
Tree removals as shown are necessary to develop the site since, enlarge the roadway, and remove trees in poor health.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

Since the site will be developed issues related to erosion will be lessened, soil moisture retention will be enhanced when construction plans are submitted with irrigation showing watering locations, increased surface water will result from the development however preservation or any additional vegetation should help. The site will also be required to adhere to City Codes regarding development.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
There are several trees on the site with several trees on neighboring parcels. Several of these trees are more towards the center of the site and are in poor condition which necessitates their removal. Placement of new trees in accordance with Code standard will allow for more than presently at the site.
- e. Whether the tree has been designated a historic specimen, preserved or protected tree.
Several of the trees being removed are protected trees.
- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization. – *Any new construction must retain surface water.*
 - Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
 - Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology but it should be restored and in better condition with any additional plantings or preservation.*
 - Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
 - Air movement. – *This project should not affect air movement.*
 - Air quality. – *This project should not affect air quality.*
 - Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known. However some nesting species will have more space to nest.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
Most of the trees are unfortunately either in the center of the parcel, necessary for road improvements, or are in poor health which makes removal necessary.

The number of debits for tree removal is – 22 debits.

The number of credits for tree preservation is + 21.5 credits.

The number of credits for tree plantings (incl. relocation) is + 2 credits

The number of remaining credits after calculating tree preservation and plantings: + 1.5 credits.

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** of more than fifty (50) percent of the tree canopy, including nine (9) preserved trees (Oaks) within Conservation Overlay Zone 3, with the following conditions:

1. Trees numbers 8 & 13 to be removed due to poor health with any overall tree debits to be addressed administratively via a landscape plan.

SUPPLIMENTS

Attachment 1 – Application

Attachment 2 – Property Appraiser Info. & Location Map

Attachment 3 – Arborist Report

Attachment 4 – Applicant Tree Inventory

Attachment 5 – Site & Tree Removal Plans

David Harrell, AICP

Senior Development Review Planner

Planning & Building Department

Attachment 1
Application

RECEIVED

DEC 07 2018

Planning/Building Dept.



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Brian Lynn Contact Number: 904-260-2224

Business (if applicable): Lynn Investments, LLC

Address: 12276 San Jose Boulevard City: Jacksonville State: FL Zip: 32223

2. NAME OF PROPERTY OWNER: Dominic Mercurio Contact Number: 904-824-4311

Business (if applicable): Mwm Acquisitions, LLC

Address: 235 State Road 207 City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 2 Block: _____

Subdivision: Solana Grant Parcel Number: 1342900011

4. PROJECT STREET ADDRESS: 1370 U.S. Highway 1 South St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Retail

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Applicant is requesting approval to remove 9 trees to construct a proposed retail facility.

8. JUSTIFICATION FOR ACTION REQUESTED: Applicant will offset with plantings and site will remain consistent with adjacent commercial facilities within the corridor.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?

Please explain fully: Not applicable.

- (b) Can you establish that this disadvantage is not due to the owner's actions?

Please explain fully: _____

- (c) Can you establish that this disadvantage prevents reasonable use of the property:

Please explain fully: _____

- (d) If granted, will the variance adversely affect other property in the area:

Please explain fully: _____

- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

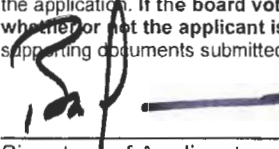
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

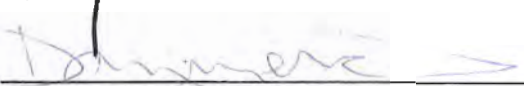
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present,** and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."


Signature of Applicant

11/16/18
Date


Signature of Property Owner

11/12/18
Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Brian K. Lynn

Print name of applicant

BKL

Signature of applicant

11/16/13

Date



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company

MWM ACQUISITIONS, LLC

Filing Information

Document Number L02000013654

FEI/EIN Number 55-0791084

Date Filed 06/04/2002

State FL

Status ACTIVE

Principal Address

235 STATE ROAD 207

UNIT 1

ST AUGUSTINE, FL 32084

Changed: 04/15/2012

Mailing Address

235 STATE ROAD 207

UNIT 1

ST AUGUSTINE, FL 32084

Changed: 04/15/2012

Registered Agent Name & Address

MERCURIO, DOMINIC GIII

2109 MARSH HEN COURT

ST AUGUSTINE, FL 32084

Name Changed: 04/15/2012

Address Changed: 04/15/2012

Authorized Person(s) Detail

Name & Address

Title MGRM

MERCURIO, DOMINIC GIII

2109 MARSH HEN COURT

SAINT AUGUSTINE, FL 32084

Title MGRM

MERCURIO, TERESA E
 235 STATE ROAD 207
 SAINT AUGUSTINE, FL 32084

Title MGRM

WATTERSON, DAN
 235 SR 207
 SAINT AUGUSTINE, FL 32084

Annual Reports

Report Year	Filed Date
2016	02/24/2016
2017	03/14/2017
2018	03/12/2018

Document Images

03/12/2018 -- ANNUAL REPORT	View image in PDF format
03/14/2017 -- ANNUAL REPORT	View image in PDF format
02/24/2016 -- ANNUAL REPORT	View image in PDF format
03/18/2015 -- ANNUAL REPORT	View image in PDF format
03/12/2014 -- ANNUAL REPORT	View image in PDF format
04/24/2013 -- ANNUAL REPORT	View image in PDF format
04/15/2012 -- ANNUAL REPORT	View image in PDF format
04/29/2011 -- ANNUAL REPORT	View image in PDF format
02/15/2010 -- ANNUAL REPORT	View image in PDF format
04/08/2009 -- ANNUAL REPORT	View image in PDF format
03/15/2008 -- ANNUAL REPORT	View image in PDF format
01/08/2007 -- ANNUAL REPORT	View image in PDF format
01/16/2006 -- ANNUAL REPORT	View image in PDF format
03/07/2005 -- ANNUAL REPORT	View image in PDF format
01/10/2004 -- ANNUAL REPORT	View image in PDF format
04/09/2003 -- ANNUAL REPORT	View image in PDF format
06/04/2002 -- Florida Limited Liabilities	View image in PDF format

Attachment 2
Property Appraiser Info. &
Location Map



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1342900011
Location Address 1370 US HIGHWAY 1 S
 SAINT AUGUSTINE 32084-0000
Neighborhood Ponce Boulevard South (Commercial) (681.02)
Tax Description* (6-1) SOLANA GRANT SUB PT OF LOT 2 LYING E OF US 1 200FT ON US 1 (EX PART IN OR1450/2015) OR1777/943 & CITY ORD 83-29
 *The Description above is not to be used on legal documents.
Property Use Code Vacant Commercial (1000)
Subdivision M Solana Grant Uplatted
Sec/Twp/Rng 40-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.830
Homestead N

View Map

Owner

Owner Name Mwm Acquisitions LLC 100%
Mailing Address 235 STATE ROAD 207
 SAINT AUGUSTINE, FL 32084-0187

Valuation

Building Value	2019
Extra Features Value	\$0
Total Land Value	\$0
Agricultural (Assessed) Value	\$468,975
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$468,975
Assessed Value	\$255,959
Total Exemptions	\$213,016
Taxable Value	\$0
	\$213,016

Values listed are from our working tax roll and are subject to change.

Historical Assessments

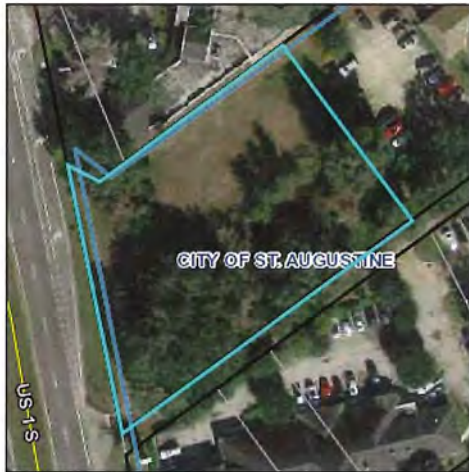
Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$468,975	\$0	\$0	\$468,975	\$193,651	\$275,324	\$193,651
2017	\$0	\$0	\$176,046	\$0	\$0	\$176,046	\$176,046	\$0	\$176,046
2016	\$0	\$0	\$176,046	\$0	\$0	\$176,046	\$176,046	\$0	\$176,046
2015	\$0	\$0	\$176,046	\$0	\$0	\$176,046	\$176,046	\$0	\$176,046
2014	\$0	\$0	\$176,046	\$0	\$0	\$176,046	\$176,046	\$0	\$176,046
2013	\$0	\$0	\$176,046	\$0	\$0	\$176,046	\$176,046	\$0	\$176,046
2012	\$0	\$0	\$176,046	\$0	\$0	\$176,046	\$176,046	\$0	\$176,046
2011	\$0	\$0	\$194,805	\$0	\$0	\$194,805	\$194,805	\$0	\$194,805
2010	\$0	\$0	\$216,450	\$0	\$0	\$216,450	\$216,450	\$0	\$216,450

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	200	220	36075	SF	\$468,975

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	6/24/2002	\$300,000.00	WD	1777	943	Q	V	FIRST CITY LAND OWNERS	MWM ACQUISITIONS LLC
	10/1/1983	\$200,000.00		611	389	Q	V	FIRST CITY LAND OWNERS	FIRST CITY LAND OWNERS

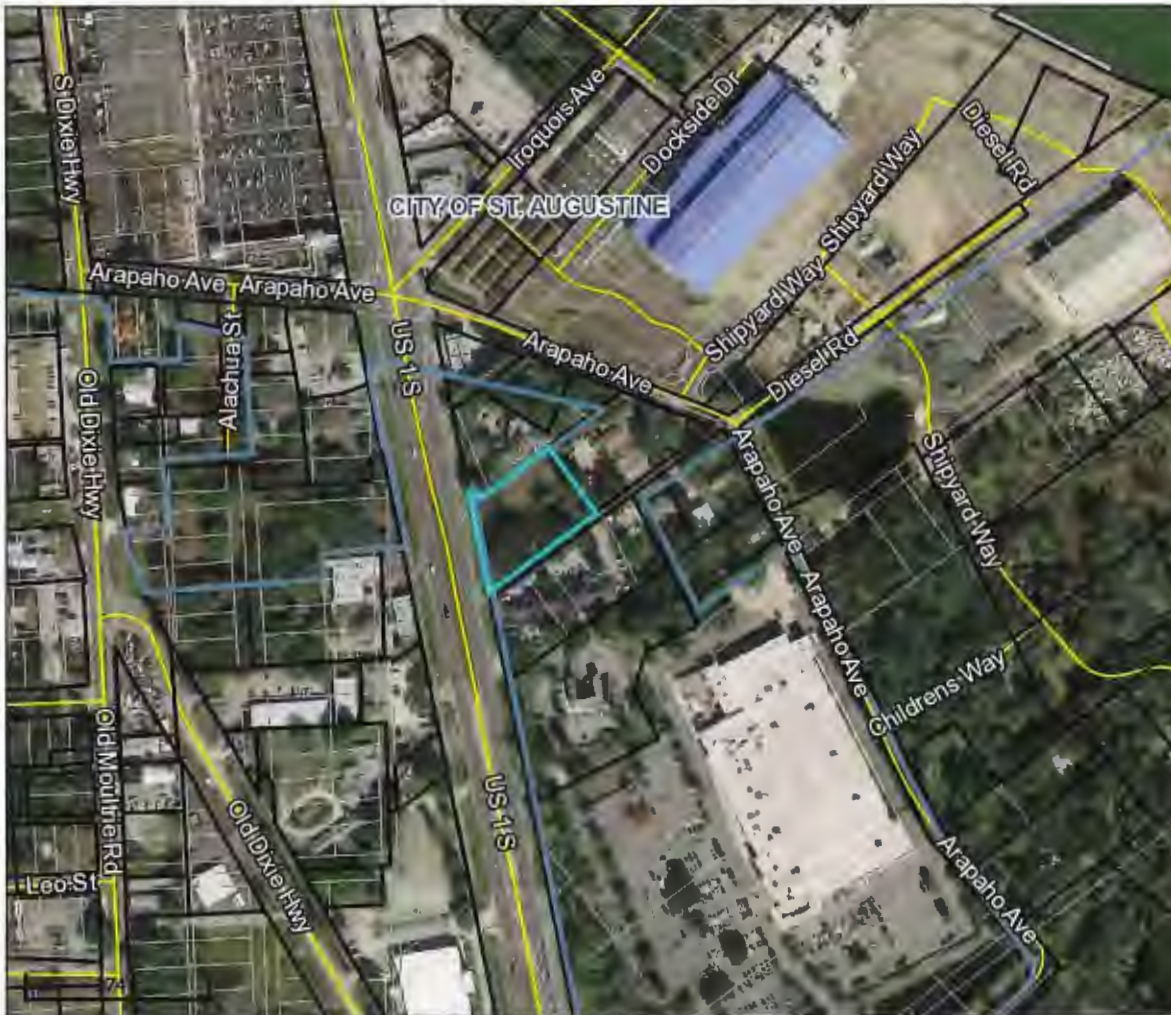
Area Sales Report[Recent Sales in Area](#)**Clerk of Court**[Clerk of Court](#)**Tax Collector**[My Tax Bill](#)**Tax Estimator**[Tax Estimator](#)**Map**

No data available for the following modules: Exemptions, Building Information, Extra Features, Sketches.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 11/12/2018, 10:48:36 PM

Developed by
 **Schneider**
GEOSPATIAL



Overview



Legend

- Parcels
- Cities

Parcel ID	1342900011	Physical	1370 US HIGHWAY 1 S	Building Value	N/A	Last 2 Sales			
Property	1000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Commercial	Mailing	MWM ACQUISITIONS LLC	Value		6/24/2002	\$300000	01	Q
Taxing	City of St Augustine	Address	235 STATE ROAD 207	Total Land	\$468,975	10/1/1983	\$200000	01	Q
District			SAINT AUGUSTINE FL	Value					
Acres	0.83		32084-0187	Just Value	\$468,975				
				Total Deferred	\$255,959				
				Assessed Value	\$213,016				
				Total	N/A				
				Exemptions					
				Taxable Value	\$213,016				

Date created: 11/13/2018
Last Data Uploaded: 11/12/2018 10:48:36 PM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 1370 US-1



Imagery ©2018 Google, Map data ©2018 Google 50 ft



1370 US-1

St Augustine, FL 32084



VMHG+2F St Augustine, Florida

Attachment 3
Arborist Report



201 Basque Rd
St. Augustine, FL 32080
Tel. (904) 347-9133
Fax (904) 512-0459
www.atlanticeco.com

December 4, 2018

Brian K. Lynn
LendingBear
12276 San Jose Blvd, Ste 534
Jacksonville, FL 32223

RE: 1370 US 1 South Arbor Report
St. Johns County, FL
AES #18-102

Dear Mr. Lynn,

Atlantic Ecological Services, LLC (AES) is pleased to provide you this arbor report pertaining to the 1370 US 1 South Property in St. Johns County, Florida. The project area consists of one parcel (St. Johns County STRAP# 1342900011). The property is approximately 0.83 acres in size. The City of St. Augustine requires an arborist report to document any protected trees, and their subsequent health, within the development area. The report herein documents the findings of such.

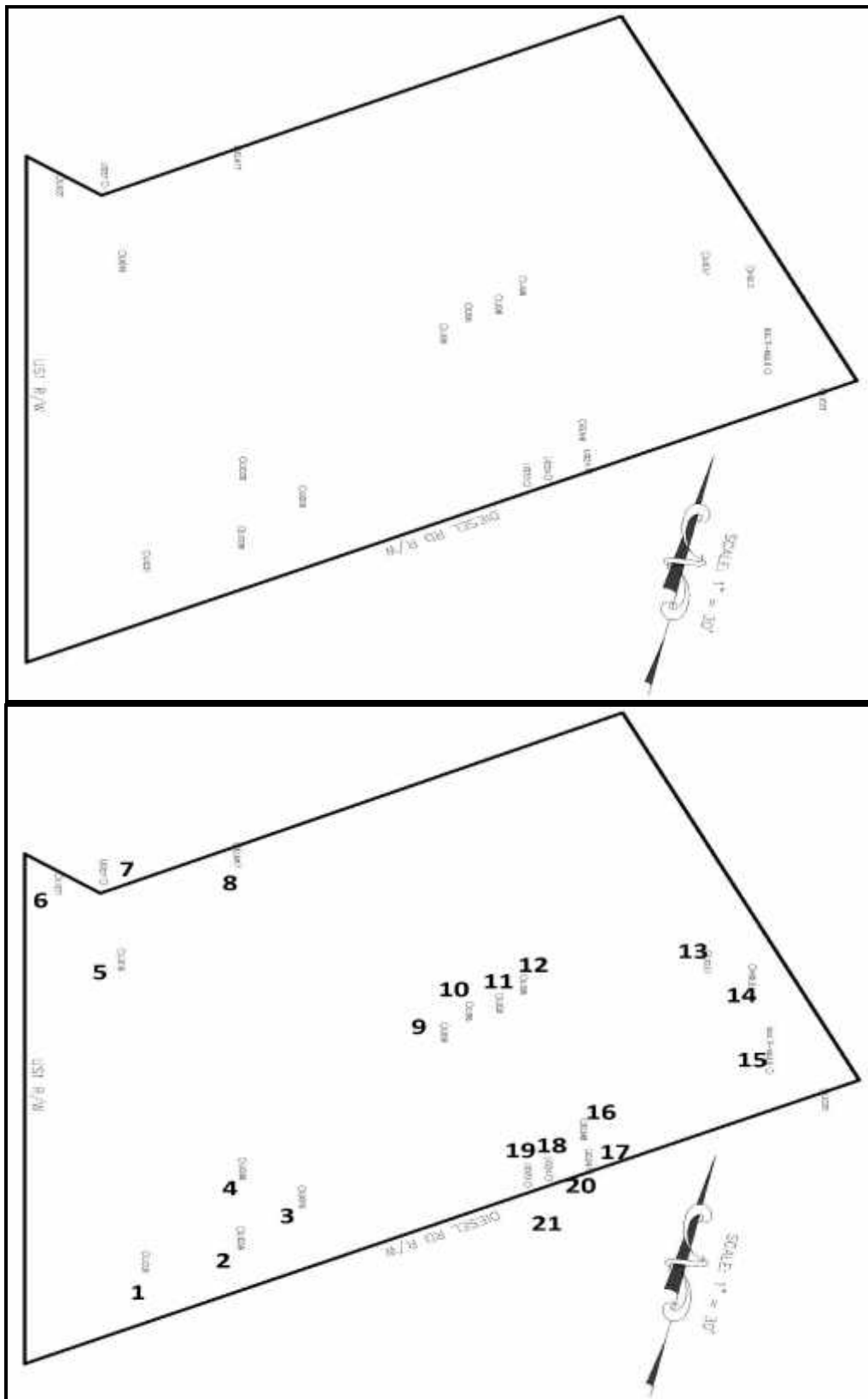
This report details a review of the existing tree survey for the Lending Bear project located in St Augustine, Florida (Figure 1). All trees were reviewed to confirm species, size and to inspect their health and structural integrity. Each tree was visually inspected using a Level 2, Tree Risk Assessment as defined by the International Society of Arboriculture (ISA). This level of inspection includes a 360-degree visual evaluation of each tree from top to bottom including a review of the crown, trunk, trunk flare, and above-ground roots. Trees were verified to size using standard Diameter at Breast Height (DBH). Each tree was also inspected for evidence of decay, storm damage and an estimate of the Live Crown Ratio (LCR). LCR is a useful measurement to indicate tree vigor by comparing crown length to total tree height or a percentage of total tree height that supports live foliage.



Figure 1. Aerial

OBSERVATIONS:

The project site is a partially cleared commercial lot with a tree canopy consisting of laurel oak, live oak, wild cherry, Florida, elm, mulberry, and cabbage palms. A total of twenty-one (21) trees were observed (Figures 2, 3). Two of the trees were sabal palms (#20, #21) and not part of the tree survey conducted.



Figures 2, 3. Tree Survey and Reference

Overall, the health and canopy of most of the trees is good with a few exceptions. Many of the live oaks are Historic in size and are in good health and structurally sound with the exception of #13, located near the rear of the lot. Some of the trees have storm damage from the past three years, utility pruning impacts, and root impacts from adjacent roadways (Images below).



Tree #8



Tree #6



Tree #3



Tree #17



Tree #13

CONCLUSION:

The following table summarizes and totals DBH of all trees and provides comments of field observations. Those trees considered to be dead, dying, diseased or structurally unsound are highlighted in red. The total DBH for all trees is **363"** and trees with health and / or structural issues total **121"**.

#	Surveyed As			Confirmed As			Comments
	Species	Common	DBH	Species	Common	DBH	
1	<i>Quercus virginiana</i>	Live Oak	31	<i>Quercus virginiana</i>	Live Oak	31	
2	<i>Quercus virginiana</i>	Live Oak	39	<i>Quercus virginiana</i>	Live Oak	39	
3	<i>Quercus virginiana</i>	Live Oak	16	<i>Quercus virginiana</i>	Live Oak	16	Heavy Storm Damage. Overlifted pruning and Low Live Crown Ratio.
4	<i>Quercus virginiana</i>	Live Oak	36	<i>Quercus virginiana</i>	Live Oak	36	
5	<i>Quercus virginiana</i>	Live Oak	19	<i>Quercus virginiana</i>	Live Oak	19	
6	<i>Quercus virginiana</i>	Live Oak	21	<i>Quercus virginiana</i>	Live Oak	21	
7	<i>Quercus virginiana</i>	Live Oak	27	<i>Quercus virginiana</i>	Live Oak	27	
8	<i>Ulmus sp.</i>	Elm	17	<i>Ulmus sp.</i>	Elm	17	Crown is dead and tree is senescing.
9	<i>Quercus laurifolia</i>	Laurel Oak	8	<i>Quercus laurifolia</i>	Laurel Oak	8	
10	<i>Quercus laurifolia</i>	Laurel Oak	6	<i>Quercus laurifolia</i>	Laurel Oak	6	
11	<i>Quercus laurifolia</i>	Laurel Oak	8	<i>Quercus laurifolia</i>	Laurel Oak	8	
12	<i>Quercus laurifolia</i>	Laurel Oak	8	<i>Quercus laurifolia</i>	Laurel Oak	8	
13	<i>Quercus virginiana</i>	Live Oak	37	<i>Quercus virginiana</i>	Live Oak	37	Heavy Storm Damage. Overlifted pruning and low Live Crown Ratio. Root impacts on south side due to drainage swale.
14	<i>Ilex sp.</i>	Holly	5	<i>Prunus carolinian</i>	Cherry Laurel	5	
15	<i>unknown</i>	Multi	6	<i>Morus rubra</i>	Red mulberry	6	Mulberry root suckers that has coppiced since tree failed.
16	<i>Ulmus sp.</i>	Elm	8	<i>Prunus serotina</i>	Wild Cherry	8	
17	<i>Quercus virginiana</i>	Live Oak	24	<i>Quercus virginiana</i>	Live Oak	24	Heavy Storm Damage and severe utility pruned. Low Live Crown Ratio. Root impacts from swale on north side and paved road on south side of trunk.
18	<i>Quercus virginiana</i>	Live Oak	24	<i>Quercus virginiana</i>	Live Oak	24	
19	<i>Quercus virginiana</i>	Live Oak	23	<i>Quercus virginiana</i>	Live Oak	23	
		Total DBH	363		Total DBH	363	
					Total DBH of senescing trees and trees with poor health / structural integrity	121	

SINCERELY,

A handwritten signature in black ink, appearing to read "Ray Jarrett". The signature is written in a cursive, flowing style.

Ray Jarrett,

Biologist / Arborist
ISA Certified Arborist FL-5343A
ISA Tree Risk Assessment Qualified (TRAQ 2017)

Trees and plants are living things and are subject to an array of potential health problems, abiotic factors and unpredictable weather that can cause healthy trees and plants to fail. Information provided in this report is for consideration; and is based on my professional experience, formal education, and methodologies of the International Society of Arboriculture, ISA. Ultimately the client must use their own judgment and decisions, but may consider these recommendations.

Attachment 4
Applicant Tree Inventory



Gulfstream Design Group, LLC
 906 Anastasia Blvd., Suite A
 St. Augustine, FL 32080
 Tel. 904.794.4231
www.gulfstreamdesign.com

December 26, 2018

Mr. David Harrell
 City of St. Augustine
 75 King Street
 St. Augustine, FL 32084

Re: 1370 US1 South
 GDG: 18-080

Mr. Harrell:

In support of the requirements and definitions listed within the 25th chapter of the City of St. Augustine's Land Development Code, please see the following information for the Conservation Overlay Zone 3 application.

EXISTING TREES TO REMAIN:

Tree Type (#)	Size	Quantity	Credits Earned
Elm (8)	17"	1	5.5
Live Oak (13)	37"	1	7
Cherry Laurel (14)	5"	1	2
Live Oak (20)	21"	1	7
TOTAL:		4	21.5

TREES TO BE REMOVED:

Tree Type	Size	Quantity	Credit Deficit
Live Oak (1)	31"	1	2
Live Oak (2)	39"	1	2
Live Oak* (3)	16"	1	1.5
Live Oak (4)	36"	1	2
Live Oak (5)	19"	1	1.5
Live Oak (6)	21"	1	2
Laurel Oak (9)	8"	1	1
Laurel Oak (10)	6"	1	.5
Laurel Oak (11)	8"	1	1
Laurel Oak (12)	8"	1	1
Red Mulberry (15)	6"	1	.5
Wild Cherry (16)	8"	1	1



Gulfstream Design Group, LLC
 906 Anastasia Blvd., Suite A
 St. Augustine, FL 32080
 Tel. 904.794.4231
www.gulfstreamdesign.com

Live Oak* (17)	24"	1	2
Live Oak (18)	24"	1	2
Live Oak (19)	23"	1	2
TOTAL:		15	24

"*" indicates a damaged tree as per attached arbor report.

TREES PLANTED (WITHIN SITE):

Tree Type	Size	Quantity	Credits Earned
Oak	4"	1	2
TOTAL:		1	2

TREES PLANTED (WITHIN LANDSCAPE BUFFER):

Tree Type	Size	Quantity	Credits Earned
Magnolia	4"	17	0
Oak	4"	15	0
Holly	4"	9	0
TOTAL:		41	2

TOTAL:

Action	Quantity	Credits Earned/Deficit (+/-)
Trees to Remain	4	(+) 21.5
Trees to be Removed	15	(-) 22
Trees Planted	42	(+) 2
Net Gain/Loss (+/-)	(+) 31	(+) 1.5



Gulfstream Design Group, LLC
906 Anastasia Blvd., Suite A
St. Augustine, FL 32080
Tel. 904.794.4231
www.gulfstreamdesign.com

Each tree within the project boundaries can be found as part of the site plan as part of this Conservation Overlay Zone Submittal. If you should have any questions pertaining to this

Sincerely,

Matthew H. Lahti, P.E.
President
Gulfstream Design Group, LLC

Cc file

Attachment 5
Site & Tree Removal Plans

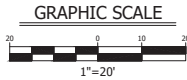
CALL 48 HOURS BEFORE YOU DIG IN FLORIDA



SITE DATA TABLE	
TOTAL SITE	31,748 SF ~ .73 AC
PROPOSED BUILDING	4,100 SF
PROPOSED PAVEMENT/S'WALK	4,512 SF
TOTAL IMPERVIOUS	11,350 SF
TOTAL PERVIOUS	20,398 SF
OPEN SPACE	20,398 SF
% OPEN SPACE	64.25%
% BUILDING COVERAGE (TOTAL)	12.91%
% IMPERVIOUS AREA	35.75%
FLOOR AREA	4,100 SF
FLOOR AREA RATIO	12.91%
BUILDING HEIGHT	MAX=35'
PARCEL NUMBER(S)	134290 0011
911 ADDRESS	1370 US 1 SOUTH
CURRENT ZONING	CM-2
LAND USE	COMMERCIAL

PARKING CALCULATIONS

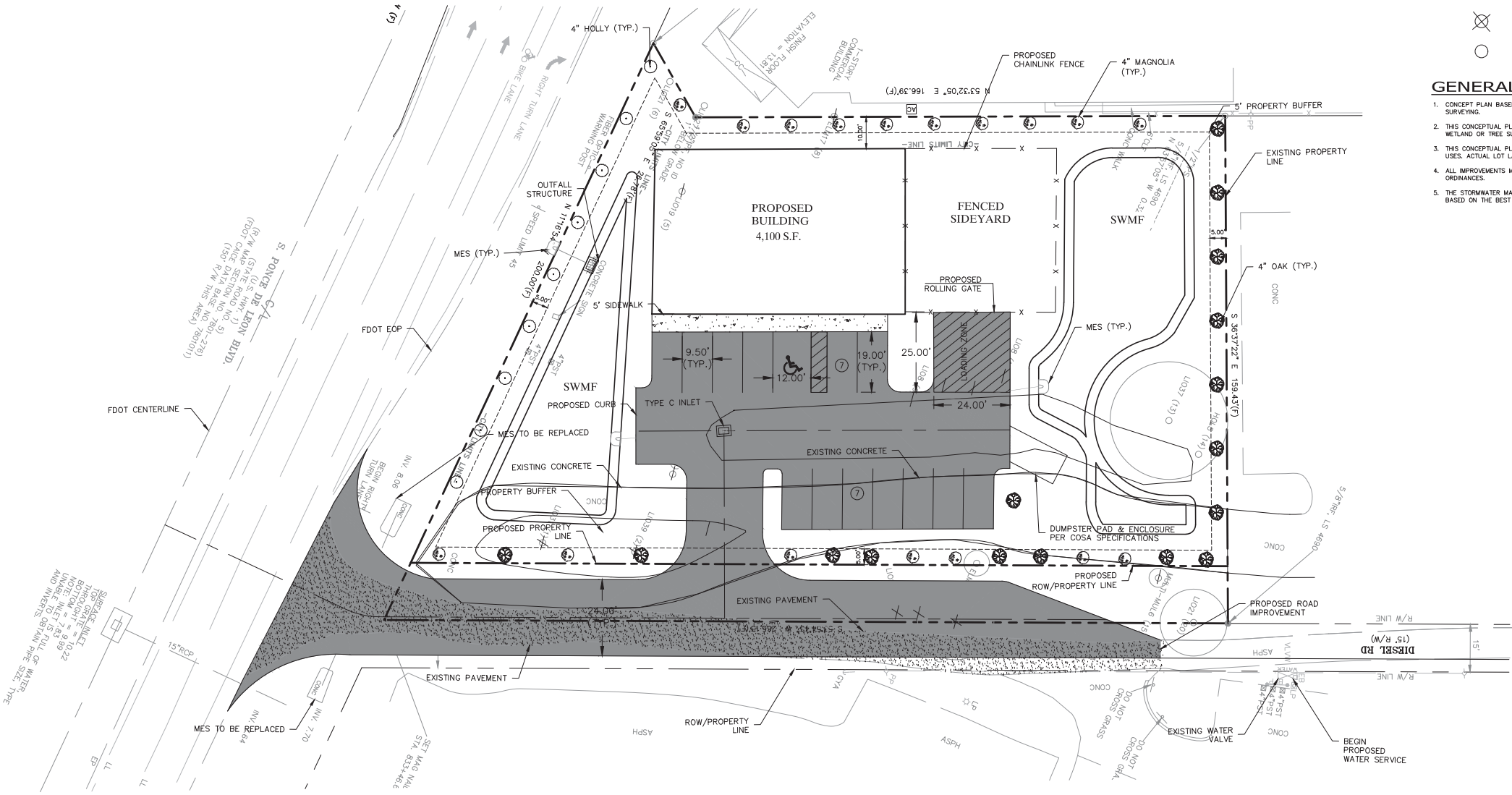
TOTAL PROVIDED = 14 SPACES
(INCL. 1 HANDICAP SPACE)



- PROPOSED PARKING COUNT
- CONCRETE SIDEWALK AND/OR DUMPSTER PAD
 - LIGHT DUTY CONCRETE
 - CRUSHED GRAVEL SEATING AREA
 - TREE REMOVED DUE TO PROPOSED CONSTRUCTION
 - TREE REMOVED DUE TO PROPOSED ROW IMPROVEMENTS
 - EXISTING TREE TO REMAIN

GENERAL NOTES:

- CONCEPT PLAN BASED ON BOUNDARY INFORMATION PROVIDED BY ROB RICHARDS SURVEYING.
- THIS CONCEPTUAL PLAN WAS COMPLETED WITHOUT THE BENEFIT OF TOPOGRAPHICAL, WETLAND OR TREE SURVEY INFORMATION.
- THIS CONCEPTUAL PLAN HAS BEEN PREPARED FOR YIELD ANALYSIS AND POSSIBLE USES. ACTUAL LOT LAYOUT MAY VARY WITH BASED ON FINAL ENGINEERING PLANS.
- ALL IMPROVEMENTS MUST COMPLY WITH CITY OF ST. AUGUSTINE CODE OF ORDINANCES.
- THE STORMWATER MANAGEMENT SYSTEM ON THIS CONCEPTUAL PLAN IS PRELIMINARY BASED ON THE BEST AVAILABLE INFORMATION AND IS SUBJECT TO CHANGE.



CONCEPTUAL DESIGN PLANS FOR 1370 US 1 SOUTH

CONCEPT PLAN

ST. JOHNS COUNTY, FLORIDA



CA #30431
906 ANASTASIA BLVD., SUITE A, ST. AUGUSTINE, FLORIDA 32080
904.754.4121, matt@gulfstreamdesign.com
904.754.4121, matt@gulfstreamdesign.com

PROJECT NO:	18-080
ISSUE DATE:	10/11/18
DRAWING FILE:	18080PROJ
XREFS:	18080SURV, 18080TIB
DRAFTED BY:	GRQ
DESIGNED BY:	MHL
CHECKED BY:	MHL
SCALE:	AS NOTED

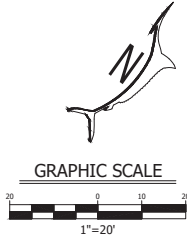
NOT VALID WITHOUT SEAL

CALL 48 HOURS BEFORE YOU DIG IN FLORIDA



TREE REMOVAL DATA		TREE PRESERVATION DATA		TREE PLANTING DATA	
TREE SIZE/TYPE (#)	TREE SIZE/TYPE (#)	TREE SIZE/TYPE (#)	TREE SIZE/TYPE (#)	TREE SIZE/TYPE	QUANTITY
31" LIVE OAK (1)	8" LAUREL OAK (11)	17" ELM (8)*	5" CHERRY LAUREL (14)	4" MAGNOLIA	17
39" LIVE OAK (2)	8" LAUREL OAK (12)	37" LIVE OAK (13)*	21" LIVE OAK (20)	4" OAK	16
16" LIVE OAK (3)*	6" RED MULBERRY (15)*			4" HOLLY	9
36" LIVE OAK (4)	8" WILD CHERRY (16)				
19" LIVE OAK (5)	24" LIVE OAK (17)*				
21" LIVE OAK (6)	24" LIVE OAK (18)				
8" LAUREL OAK (9)	23" LIVE OAK (19)				
6" LAUREL OAK (10)					

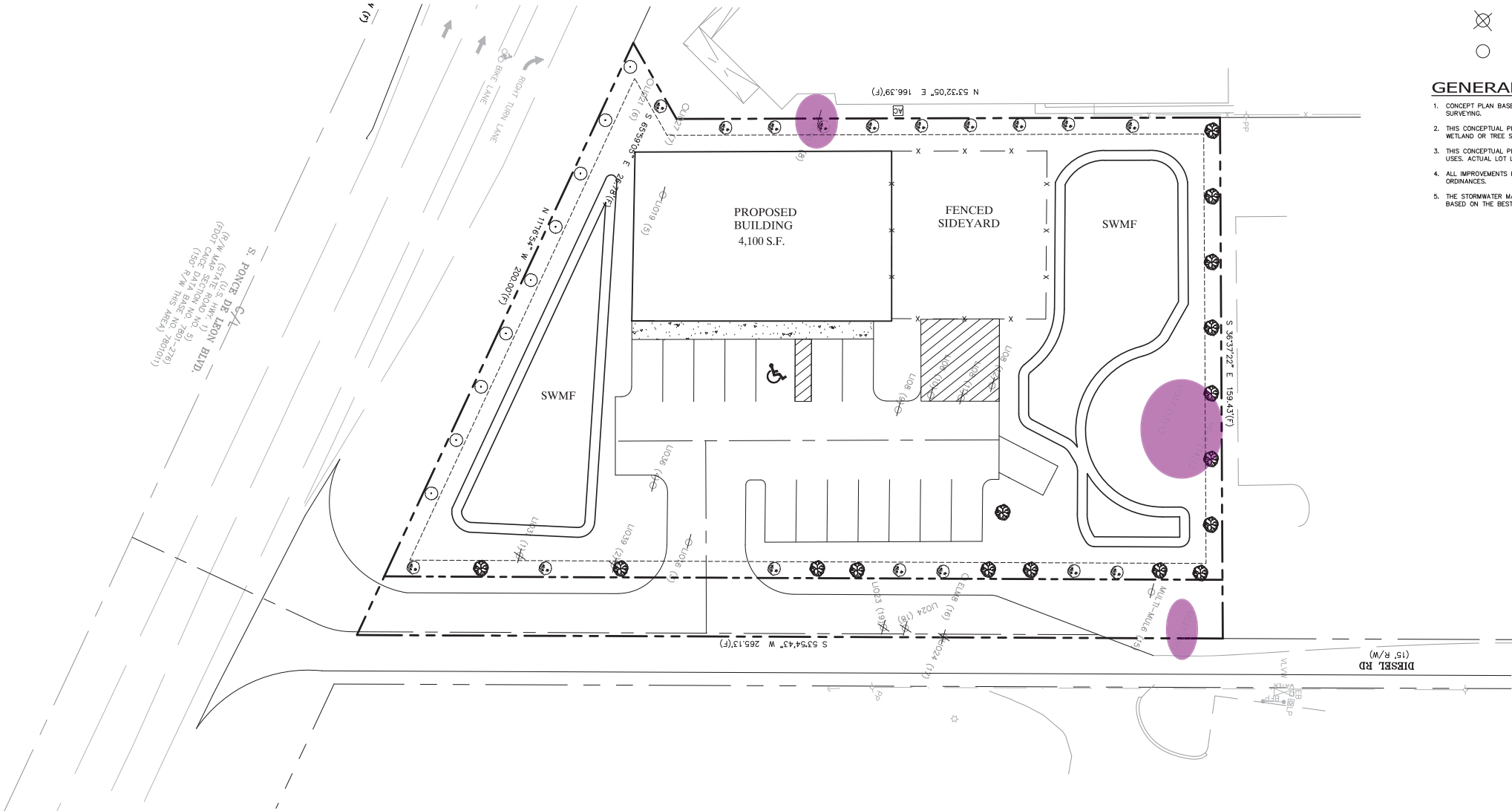
*" REFER TO ARBORIST REPORT FOR VIABILITY



- EXISTING PROPERTY LINE
- EXISTING CENTERLINE
- PROPOSED DRIVE AISLE CENTERLINE
- LANDSCAPE BUFFER
- TREE REMOVED DUE TO PROPOSED CONSTRUCTION
- TREE REMOVED DUE TO PROPOSED ROW IMPROVEMENTS
- EXISTING TREE TO REMAIN

GENERAL NOTES:

1. CONCEPT PLAN BASED ON BOUNDARY INFORMATION PROVIDED BY ROB RICHARDS SURVEYING.
2. THIS CONCEPTUAL PLAN WAS COMPLETED WITHOUT THE BENEFIT OF TOPOGRAPHICAL, WETLAND OR TREE SURVEY INFORMATION.
3. THIS CONCEPTUAL PLAN HAS BEEN PREPARED FOR YIELD ANALYSIS AND POSSIBLE USES. ACTUAL LOT LAYOUT MAY VARY WITH BASED ON FINAL ENGINEERING PLANS.
4. ALL IMPROVEMENTS MUST COMPLY WITH CITY OF ST. AUGUSTINE CODE OF ORDINANCES.
5. THE STORMWATER MANAGEMENT SYSTEM ON THIS CONCEPTUAL PLAN IS PRELIMINARY BASED ON THE BEST AVAILABLE INFORMATION AND IS SUBJECT TO CHANGE.



CONCEPTUAL DESIGN PLANS FOR
1370 US 1 SOUTH
TREE MITIGATION PLAN
ST. JOHNS COUNTY, FLORIDA



PROJECT NO:	18-080
ISSUE DATE:	10/11/18
DRAWING FILE:	18080PROJ
XREFS:	18080SURV 18080UTB
DRAFTED BY:	GRQ
DESIGNED BY:	MHL
CHECKED BY:	MHL
SCALE:	AS NOTED

NOT VALID WITHOUT SEAL
SHEET 2 OF 2

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2018-0168**

AGENDA ITEM

7(f)

APPLICANT

Matt Lahti
C/o Gulfstream Design Group

OWNER

Dave Quinney
C/o Palms on Plantation, LLC

LOCATION

700 Plantation Island Drive S.

REQUEST

To approve removal of more than fifty (50) percent of the tree canopy, including seven (7) preserved trees (Cedars and Oaks) within Conservation Overlay Zone 3.

PLANS DATED

December 27, 2018

LAND USE

Commercial Medium Intensity

ZONING

Commercial Medium 2 (CM-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3,

- except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
- (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
 - (2) Fifty (50) percent of the tree canopy on the site is retained.
- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a preserved tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing to remove more than fifty percent (50%) of the tree canopy which will consist of four (4) preserved Cedar trees. Initially this was advertised as remove of seven (7) preserved Cedar & Oak trees, but this has been reduced since advertising the agenda. This removal is to allow for a proposed two (2) story 17,244 square foot commercial building. There will be tree preservation and relocations on the site. In particular there will at least ten (10) trees preserved (shown as purple in attachment 6) and nineteen (19) palm trees (shown as green in attachment 6) relocated on the site. These relocations will be on the site and are denoted with an "R" on the tree relocation plan (see attachment 6). Mitigation will also consist of 61 four inch (4") diameter trees and six (6) six inch (6") diameter palms planted within the buffers and on the site. Staff has recalculated the credit-debits associated with the site since they calculated incorrectly and this shows a credit gain for the site. An arborist report has been provided indicating that all trees are in good condition with normal crown ratios for their ages but with some growth of vines and other similar plantings.

1. Conservation Overlay Zone 3 Development to remove a more than fifty percent (50%) of the tree canopy and four (4) preserved tree(s).

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
The arborist report indicates these trees are in overall good condition.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
Tree removals as shown are necessary to develop the site since most are in the center. However the applicant is preserving and relocating several trees on the site.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
Since the site will be developed issues related to erosion will be lessened, soil moisture retention will be enhanced when construction plans are submitted with irrigation showing watering locations, increased surface water will result from the development however preservation or any additional vegetation should help. The site will also be required to adhere to City Codes regarding development.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
There are dense woods located on the undeveloped parcels. However these parcels are in place to develop and these developed parcels have varying tree canopies at their edges and within the parking lots in accordance with our Codes. Placement of new trees, along with retained and preserved, with the associated development of the property will increase property values for the neighborhood.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.
Several of the trees being removed are protected trees.
- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization. – *Any new construction must retain surface water.*
 - Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
 - Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology but it should be restored and in better condition with any additional plantings or preservation.*
 - Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
 - Air movement. – *This project should not affect air movement.*
 - Air quality. – *This project should not affect air quality.*
 - Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known. However some nesting species will have more space to nest.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
The applicant has worked with Staff to modify the development to save and replant species on the site. Most of the trees are unfortunately in the center of the parcel which makes removal necessary.

The number of debits for tree removal is - 118 debits.

The number of credits for tree preservation is + 33 credits.

The number of credits for tree plantings (incl. relocation) is + 127 credits

The number of remaining credits after calculating tree preservation and plantings: +42 credits.

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of more than fifty (50) percent of the tree canopy, including four (4) preserved trees (Cedars) within Conservation Overlay Zone 3.

SUPPLIMENTS

Attachment 1 – Application
Attachment 2 – Property Appraiser Info. & Location Map
Attachment 3 – Arborist Report
Attachment 4 – Applicant Tree Inventory
Attachment 5 – Staff Modified Tree Inventory
Attachment 5 – Site & Tree Removal Plans

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Matt Lahti, P.E. Contact Number: 904-794-4231

Business (if applicable): Gulfstream Design Group, LLC

Address: 906 Anastasia Boulevard Suite A City: St. Augustine State: FL Zip: 32080

2. NAME OF PROPERTY OWNER: Dave Quinney Contact Number: 904-669-9511

Business (if applicable): Palms on Plantation, LLC

Address: 1200 Plantation Island Drive Suite 140 City: St. Augustine State: FL Zip: 32080

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____

Subdivision: _____ Parcel Number: 1619420010

4. PROJECT STREET ADDRESS: 700 Plantation Island Drive South

5. SPECIFIC PROPOSED USE: Office Building

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Applicant is requesting to remove 70 trees and construct a proposed two (2) story office building.

8. JUSTIFICATION FOR ACTION REQUESTED: Applicant will offset tree removals with plantings and the site will remain consistent with landscape qualities of the surrounding commercial lots.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: Not applicable
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: _____
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: _____
- (d) If granted, will the variance adversely affect other property in the area:
Please explain fully: _____
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

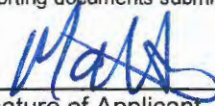
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

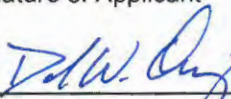
IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present,** and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."



Signature of Applicant

12/20/2018

Date



Signature of Property Owner

12.14.2018

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

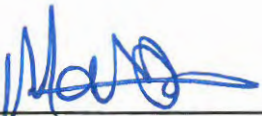
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Matt Lahti

Print name of applicant



Signature of applicant

12/20/2018
Date

Detail by Entity Name

Florida Limited Liability Company
THE PALMS ON PLANTATION, LLC

Filing Information

Document Number	L18000227510
FEI/EIN Number	NONE
Date Filed	09/25/2018
Effective Date	09/25/2018
State	FL
Status	ACTIVE

Principal Address

1200 PLANTATION ISLAND DRIVE
SUITE 140
SAINT AUGUSTINE, FL 32080

Mailing Address

1200 PLANTATION ISLAND DRIVE
SUITE 140
SAINT AUGUSTINE, FL 32080

Registered Agent Name & Address

KELLEY, SEAN
685 OCEAN PALM WAY
SAINT AUGUSTINE, FL 32080

Authorized Person(s) Detail

Name & Address

Title MGR

MCLEOD, ROBERT L, II
1200 PLANTATION ISLAND DRIVE, #140
SAINT AUGUSTINE, FL 32080

Title AMBR

QUINNEY, DAVID W
11 ARPIEKA AVENUE
SAINT AUGUSTINE, FL 32080

Annual Reports

No Annual Reports Filed

Document Images

[09/25/2018 -- Florida Limited Liability](#)

[View image in PDF format](#)

Attachment 2
Property Appraiser Info. &
Location Map



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1619400010
Location 700 PLANTATION ISLAND DR S
Address SAINT AUGUSTINE 32080-0000
Neighborhood M&B(dev)E & S Intercoastal- W Ocean - N Cnty Line (2650.69)
Tax Description* 16-1 PT OF SW1/4 OF SW1/4 OF SEC 28 & PTS OF GLS 3 4 & 5 OF SEC 29 LYING S OF SR312 -BEING PLANTATION ISLAND DRIVE SOUTH & DEED PARCELS 1 2 4 5 6 8 & 9 OR 1462/1753 & 1462/1762(DEEDS OF DEDICATION)
 *The Description above is not to be used on legal documents.
Property Use Municipally Owned (8900)
Code
Subdivision N/A
Sec/Twp/Rng 29-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 7.480
Homestead N

View Map

Owner

Owner Name City Of St Augustine 100%
Mailing Address PO BOX 210
 SAINT AUGUSTINE, FL 32085-0210

Valuation

	2019
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$74,800
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$74,800
Total Deferred	\$0
Assessed Value	\$74,800
Total Exemptions	\$74,800
Taxable Value	\$0

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2017	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2016	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2015	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2014	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2013	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2012	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2011	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0
2010	\$0	\$0	\$74,800	\$0	\$0	\$74,800	\$74,800	\$74,800	\$0

Exemptions

Exemption Type	Amount
City	\$74,800

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Municipally Owned	0	0	5.41	AC	\$54,100
Municipally Owned	0	0	1.5	AC	\$15,000
Municipally Owned	0	0	0.57	AC	\$5,700

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	12/13/1999	\$0.00	OI	1462	1753	U	V	THOMPSON BROS REALTY INC ETAL	CITY OF ST AUGUSTINE
	12/13/1999	\$0.00	OI	1462	1762	U	V	THOMPSON BORS REALTY INC ETAL	CITY OF ST AUGUSTINE

Area Sales Report

Recent Sales in Area

Clerk of Court

Clerk of Court

Tax Collector

My Tax Bill

Tax Estimator

Tax Estimator

Map

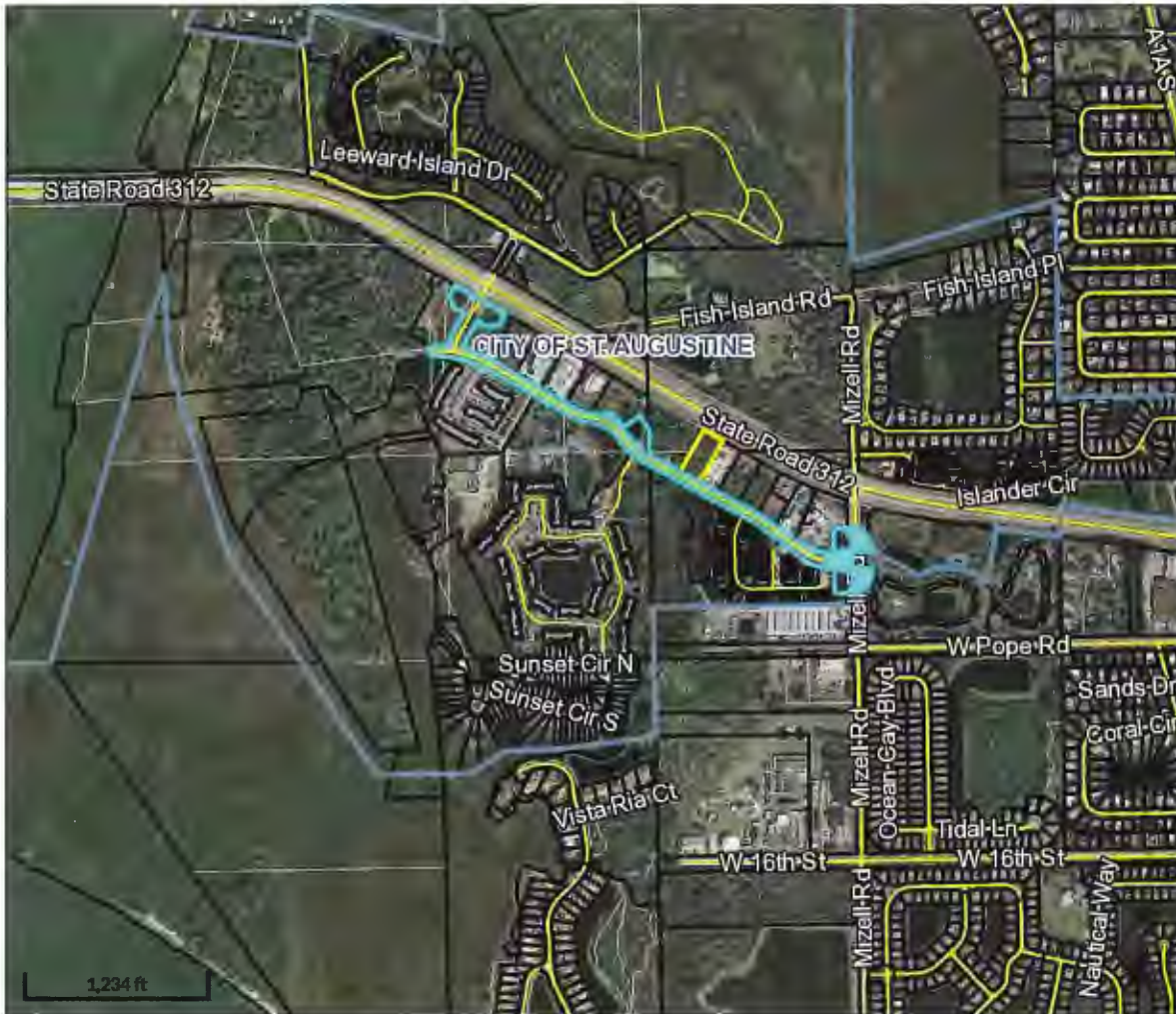


No data available for the following modules: Building Information, Extra Features, Sketches.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 12/7/2018, 8:34:36 AM





Overview



Legend

- Parcels
- Cities

Parcel ID	1619400010	Physical Address	700 PLANTATION ISLAND DR S	Building Value	N/A	Last 2 Sales			
Property Class	8900 - Municipally Owned		SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	CITY OF ST AUGUSTINE PO BOX 210	Total Land Value	\$74,800	n/a	0	n/a	n/a
Acres	7.48		SAINT AUGUSTINE FL 32085-0210	Just Value	\$74,800	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$74,800				
				Total Exemptions	\$74,800				
				Taxable Value	N/A				

Date created: 12/7/2018

Last Data Uploaded: 12/7/2018 8:34:36 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 700 Plantation Island Dr S



Imagery ©2018 Google, Map data ©2018 Google 50 ft



700 Plantation Island Dr S

St. Augustine, FL 32080



VP64+XR St. Augustine, Florida

Attachment 3
Arborist Report



201 Basque Rd
St. Augustine, FL 32080
Tel. (904) 347-9133
Fax (904) 512-0459
www.atlanticeco.com

December 13, 2018

The Palms on Plantation, LLC
Attn: David Quinney
1200 Plantation Island Drive, Suite 140
St. Augustine, FL 32080

RE: 700 Plantation Island Drive Arbor
Report
St. Johns County, FL
AES #18-108

Dear Mr. Quinney,

Atlantic Ecological Services, LLC (AES) is pleased to provide you this arbor report pertaining to the 700 Plantation Island Drive Property in St. Johns County, Florida. The project area consists of one parcel (St. Johns County STRAP# 1619420010). The property is approximately 1.0 acres in size. The City of St. Augustine requires an arborist report to document any protected trees, and their subsequent health, within the development area. The report herein documents the findings of such.

This report details a review of the existing tree survey for the project located at 700 Plantation Island Drive in St Augustine, Florida (Figure 1, 2). All trees were reviewed to confirm species, size and to inspect their health and structural integrity. Each tree was visually inspected using a Level 2, Tree Risk Assessment as defined by the International Society of Arboriculture (ISA). This level of inspection includes a 360-degree visual evaluation of each tree from top to bottom including a review of the crown, trunk, trunk flare, and above-ground roots. Trees were verified to size using standard Diameter at Breast Height (DBH). Each tree was also inspected for evidence of decay, storm damage and an estimate of the Live Crown Ratio (LCR). LCR is a useful measurement to indicate tree vigor by comparing crown length to total tree height or a percentage of total tree height that supports live foliage.

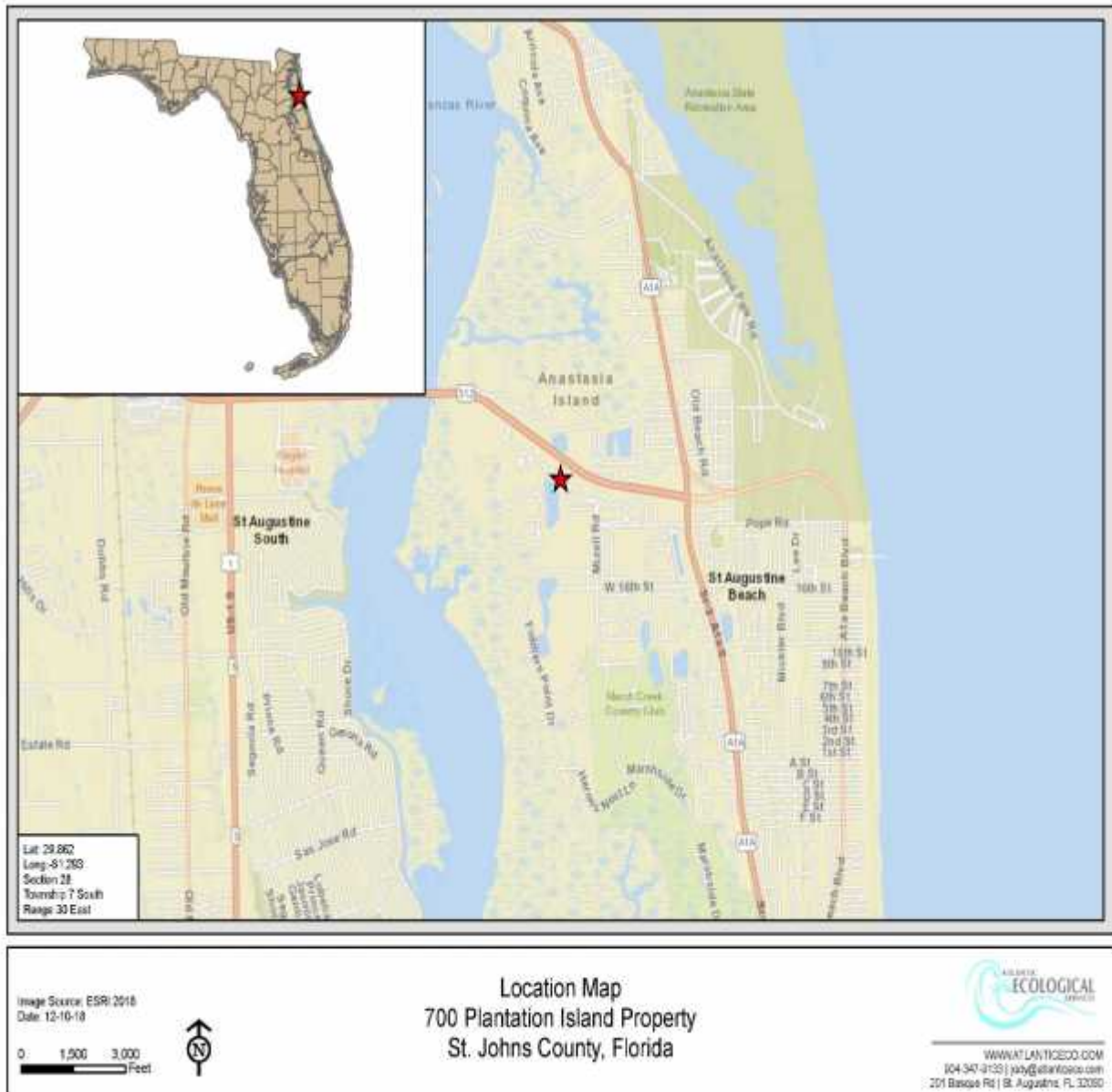


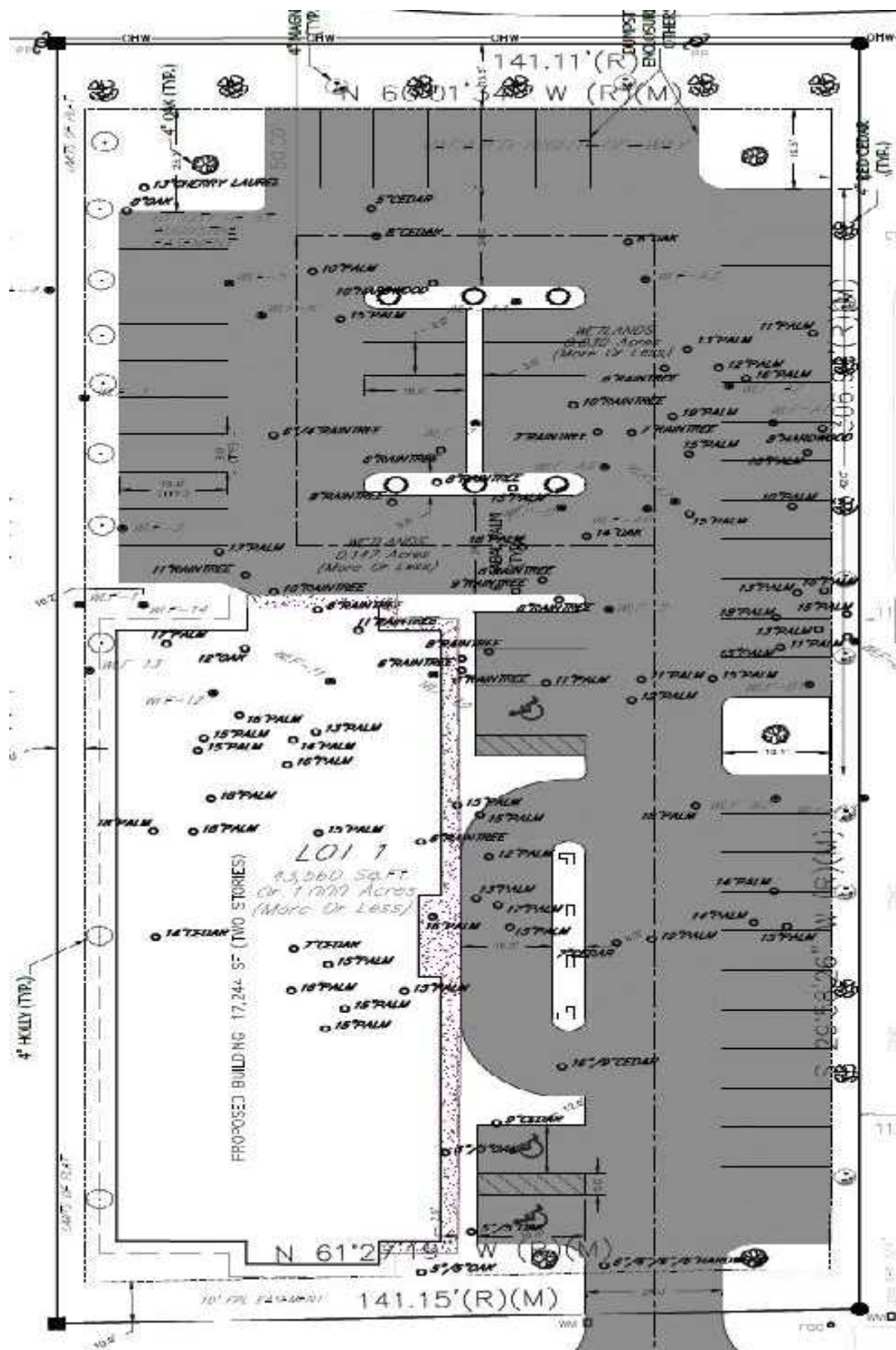
Figure 1. Location Map



Figure 2. Aerial

OBSERVATIONS:

The project site is an undeveloped commercial lot with a tree canopy consisting of several invasive trees species including Brazilian pepper (*Schinus terebinthifolius*), Chinaberry (*Melia azederach*), Chinese tallow tree (*Triadica sebifera*), laurel oak (*Quercus laurifolia*) wild cherry (*Prunus caroliniana*), and several cabbage palms (*Sabal palmetto*). A total of thirty-one (31) oaks and other hardwoods trees and fifty-two (52) cabbage palms were observed (Figure 3). All trees were alive and healthy with a normal live crown ratio for their current age. Many of them are dropping leaves, going dormant for the season, and some have extensive grape vine and others weeds growing over them.



CONCLUSION:

Overall, the reviewed tree survey is accurate with a few exceptions on tree identification. There are four (4) trees recorded along the boundary in the SE corner that are labeled as 6" hardwoods. These are actually arborescent Brazilian pepper trees (invasive/exotic). There are two (2) trees along the southern boundary labeled as 5" oaks. These are actually wax myrtles (*Myrica cerifera*) shrubs. There was (1) oak recorded at 5" that is actually a Yaupon holly (*Ilex vomitoria*). These corrections are identified below (Figure 4). There were no historic or specimen trees observed on the property.

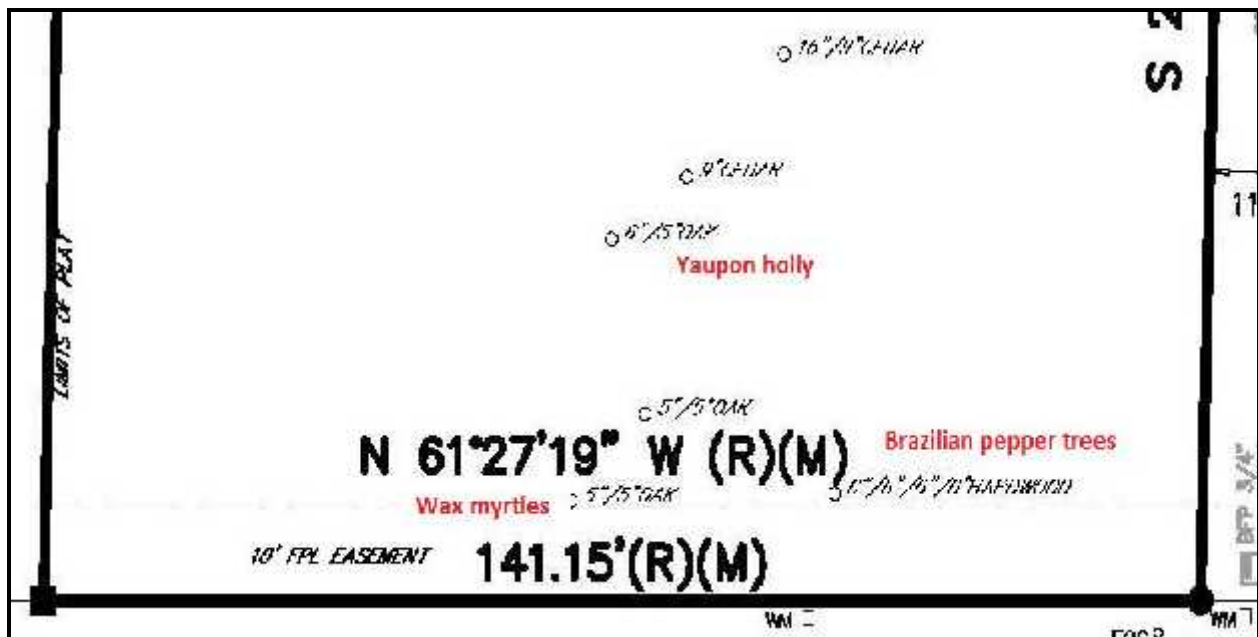


Figure 4. Updated tree identifications.

All trees on site, with the exception of the palms, have a total DBH of 306". Invasive, exotic trees and trees misidentified by the survey have a total DBH of 150". **The total native hardwoods on site have a total DBH of 156"**. Hardwood trees proposed for preservation (excluding the invasive chinaberry) have a total DBH of 18". Proposed tree replacements have a total DBH of 136". **Preservation trees and proposed trees have a total DBH of 154"**. The following table summarizes the Diameter at Breast Height (DBH) of all trees recorded by the survey:

TREE REMOVAL DATA				TREE PRESERVATION DATA				TREE REPLACEMENT DATA			
TREE TYPE/SIZE	QUANTITY	TREE TYPE/SIZE	QUANTITY	TREE TYPE/SIZE	QUANTITY			TREE TYPE/SIZE	QUANTITY		
PALM:19"	1	RAIN TREE:11"	2	PALM:15"	2			OAK:4"	5		
PALM:18"	5	RAIN TREE:10"	2	PALM:11"	1			RED CEDAR:4"	11		
PALM:17"	3	RAIN TREE:9"	1	PALM:8"	1			MAGNOLIA:4"	8		
PALM:16"	5	RAIN TREE:8"	4	CHERRY L:13"	1			HOLLY:4"	10		
PALM:15"	14	RAIN TREE:7"	2	OAK:5"	4			SABAL PALM:6"	6		
PALM:14"	3	RAIN TREE:4"	1	RAIN TREE:6"	1						
PALM:13"	4	OAK:14"	1								
PALM:12"	1	OAK:12"	1								
PALM:11"	2	OAK:6"	2								
PALM:10"	3	OAK:5"	5								
CEDAR:14"	1	HARDWOOD:5"	4								
CEDAR:10"	2										
CEDAR:9"	1										
CEDAR:8"	2										
CEDAR:7"	1										

The following photos document the current conditions of the tree canopy within the project site.



Facing south from SR 312.



Facing north from Plantation Island.



Interior view facing north.

SINCERELY,

A handwritten signature in black ink that reads "Ray Jarrett". The signature is written in a cursive, flowing style.

Ray Jarrett,

Biologist / Arborist
ISA Certified Arborist FL-5343A
ISA Tree Risk Assessment Qualified (TRAQ 2017)

Trees and plants are living things and are subject to an array of potential health problems, abiotic factors and unpredictable weather that can cause healthy trees and plants to fail. Information provided in this report is for consideration; and is based on my professional experience, formal education, and methodologies of the International Society of Arboriculture, ISA. Ultimately the client must use their own judgment and decisions, but may consider these recommendations.

Attachment 4
Applicant Tree Inventory



Gulfstream Design Group, LLC
906 Anastasia Blvd., Suite A
St. Augustine, FL 32080
Tel. 904.794.4231
www.gulfstreamdesign.com

EXHIBIT "A"

December 26, 2018

Mr. David Harrell
City of St. Augustine
4040 King Street
St. Augustine, FL 32084

Re: The Palms at Plantation
GDG: 17-094
COZ 3 Exhibit "A"

Mr. Harrell:

In support of the requirements and definitions listed within the 25th chapter of the City of St. Augustine's Land Development Code, please see the following information for the Conservation Overlay Zone 3 application.

EXISTING TREES TO REMAIN:

Tree Type	Size	Quantity	Credits Earned
Palm	15"	2	10
Palm	11"	1	4
Rain Tree	8"	1	3
Cherry Laurel	13"	1	5.5
Oak	5"	2	5
Rain Tree	6"	1	2.5
Wax Myrtle	5"	2	5
TOTAL:		10	35

TREES TO BE RELOCATED (WITHIN SITE):

Tree Type	Size	Quantity	Credits Earned
Palm	13"	2	5
Palm	12"	3	7.5
Palm	11"	3	6
Palm	10"	3	6
TOTAL:		11	24.5



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TREES TO BE RELOCATED (WITHIN LANDSCAPE BUFFER):

Tree Type	Size	Quantity	Credits Earned
Palm	15"	4	0
Palm	14"	3	0
TOTAL:		7	0

TREES TO BE REMOVED:

Tree Type	Size	Quantity	Credits Debited
Palm	19"	2	5
Palm	18"	6	15
Palm	17"	3	7.5
Palm	16"	6	15
Palm	15"	12	30
Palm	13"	3	7.5
Oak	14"	1	2.5
Oak	12"	1	1.5
Oak	8"	1	1.5
Oak	6"	1	.5
Oak	5"	1	.5
Cedar	16"	1	2.5
Cedar	14"	1	2.5
Cedar	9"	2	4
Cedar	8"	1	2
Cedar	7"	2	4
Cedar	5"	1	.5
Rain Tree	11"	2	2
Rain Tree	10"	2	2
Rain Tree	9"	1	1
Rain Tree	8"	5	5
Rain Tree	7"	2	2
Rain Tree	6"	5	2.5
Rain Tree	4"	1	.5
Hardwood	10"	1	1
Hardwood	8"	1	1



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Brazilian Pepper Tree	6"	4	2
Yaupon Holly	5"	1	.5
TOTAL:		70	121.5

TREES PLANTED (WITHIN SITE):

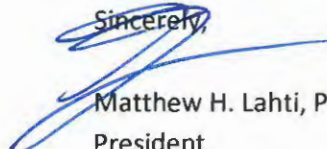
Tree Type	Size	Quantity	Credits Earned
Oak	4"	5	10
Red Cedar	4"	11	22
Magnolia	4"	6	12
Holly	4"	3	6
Sabal Palm	6"	6	12
TOTAL:		31	62

TREES PLANTED (WITHIN LANDSCAPE BUFFER):

Tree Type	Size	Quantity	Credits Earned
Magnolia	4"	11	0
Holly	4"	11	0
Oak	4"	14	0
TOTAL:		36	0

TOTAL:

Action	Quantity	Credits Earned/Deficit (+/-)
Trees to Remain	10	(+) 35
Trees to be Relocated	18	(+) 24.5
Trees to be Removed	70	(-) 121.5
Trees Planted	67	(+) 62
Net Gain/Loss (+/-)	(+) 25	(+/-) 0

Sincerely,

 For M.H.C.
 Matthew H. Lahti, P.E.
 President
 Gulfstream Design Group, LLC

Cc file

Attachment 5
Staff Modified Tree Inventory



Gulfstream Design Group, LLC
 906 Anastasia Blvd., Suite A
 St. Augustine, FL 32080
 Tel. 904.794.4231
 www.gulfstreamdesign.com

EXHIBIT "A"

December 26, 2018

Mr. David Harrell
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 4040 King Street
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Re: The Palms at Plantation
 GDG: 17-094
 COZ 3 Exhibit "A"

Mr. Harrell:

In support of the requirements and definitions listed within the 25th chapter of the City of St. Augustine's Land Development Code, please see the following information for the Conservation Overlay Zone 3 application.

EXISTING TREES TO REMAIN:

Tree Type	Size	Quantity	Credits Earned
Palm	15"	2	10
Palm	11"	1	4
Rain Tree	8"	1	3
Cherry Laurel	13"	1	5.5
Oak	5"	2	8 4
Rain Tree	6"	1	2.5
Wax Myrtle	5"	2	8 4
TOTAL:		10	35 33

TREES TO BE RELOCATED (WITHIN SITE):

Tree Type	Size	Quantity	Credits Earned
Palm	13"	2	5 11
Palm	12"	3	7.5 16.5
Palm	11"	3	8 13.5
Palm	10"	3	8 12
TOTAL:		11	24.5 53



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TREES TO BE RELOCATED (WITHIN LANDSCAPE BUFFER):

Tree Type	Size	Quantity	Credits Earned
Palm	15"	4	0
Palm	14"	3	0
TOTAL:		7	0

TREES TO BE REMOVED:

Tree Type	Size	Quantity	Credits Debited
Palm	19"	2	5
Palm	18"	6	15
Palm	17"	3	7.5
Palm	16"	6	15
Palm	15"	12	30
Palm	13"	3	7.5
Oak	14"	1	2.5 1.5
Oak	12"	1	1.5
Oak	8"	1	1.5 1
Oak	6"	1	.5
Oak	5"	1	.5
Cedar	16"	1	2.5
Cedar	14"	1	2.5
Cedar	9"	2	4
Cedar	8"	1	2
Cedar	7"	2	4
Cedar	5"	1	.5
Rain Tree	11"	2	2
Rain Tree	10"	2	2
Rain Tree	9"	1	1
Rain Tree	8"	5	5
Rain Tree	7"	2	2
Rain Tree	6"	5	2.5
Rain Tree	4"	1	.5
Hardwood	10"	1	1
Hardwood	8"	1	1



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Brazilian Pepper Tree	6"	4	20
Yaupon Holly	5"	1	.5
TOTAL:		70	121.5 118

TREES PLANTED (WITHIN SITE):

Tree Type	Size	Quantity	Credits Earned
Oak	4"	5	10
Red Cedar	4"	11	22
Magnolia	4"	6	12
Holly	4"	3	6
Sabal Palm	6"	6	22 24
TOTAL:		31	62 74

TREES PLANTED (WITHIN LANDSCAPE BUFFER):

Tree Type	Size	Quantity	Credits Earned
Magnolia	4"	11	0
Holly	4"	11	0
Oak	4"	14	0
TOTAL:		36	0

TOTAL:

Action	Quantity	Credits Earned/Deficit (+/-)
Trees to Remain	10	(+) 25 33
Trees to be Relocated	18	(+) 24.5 53
Trees to be Removed	70	(-) 121.5 118
Trees Planted	67	(+) 62 74
Net Gain/Loss (+/-)	(+) 25	(+) 10 42

Sincerely,

Matthew H. Lahti, P.E.

President

Gulfstream Design Group, LLC

Cc file

Civil Site Design

Permitting

3

Land Development

Consulting

Attachment 6
Site & Tree Removal Plans



SITE DATA TABLE	
TOTAL SITE	43,559 SF ~ 1.00 AC
PROPOSED BUILDING	8,622 SF
PROPOSED PAVEMENT/S'WALK	23,449 SF
TOTAL IMPERVIOUS	32,071 SF
TOTAL PERVIOUS	11,488 SF
OPEN SPACE	11,488 SF
% OPEN SPACE	26.37%
% BUILDING COVERAGE (TOTAL)	19.79%
% IMPERVIOUS AREA	73.63%
FLOOR AREA	17,244 SF
FLOOR AREA RATIO	39.59%
BUILDING HEIGHT	MAX=35'
PARCEL NUMBER(S)	161942 0010
911 ADDRESS	PLANTATION ISLAND DRIVE
CURRENT ZONING	CM-2
LAND USE	COMMERCIAL

PARKING CALCULATIONS

TOTAL PROVIDED = 57 SPACES
(INCL. 3 HANDICAP SPACES)



1"=20'

LEGEND:

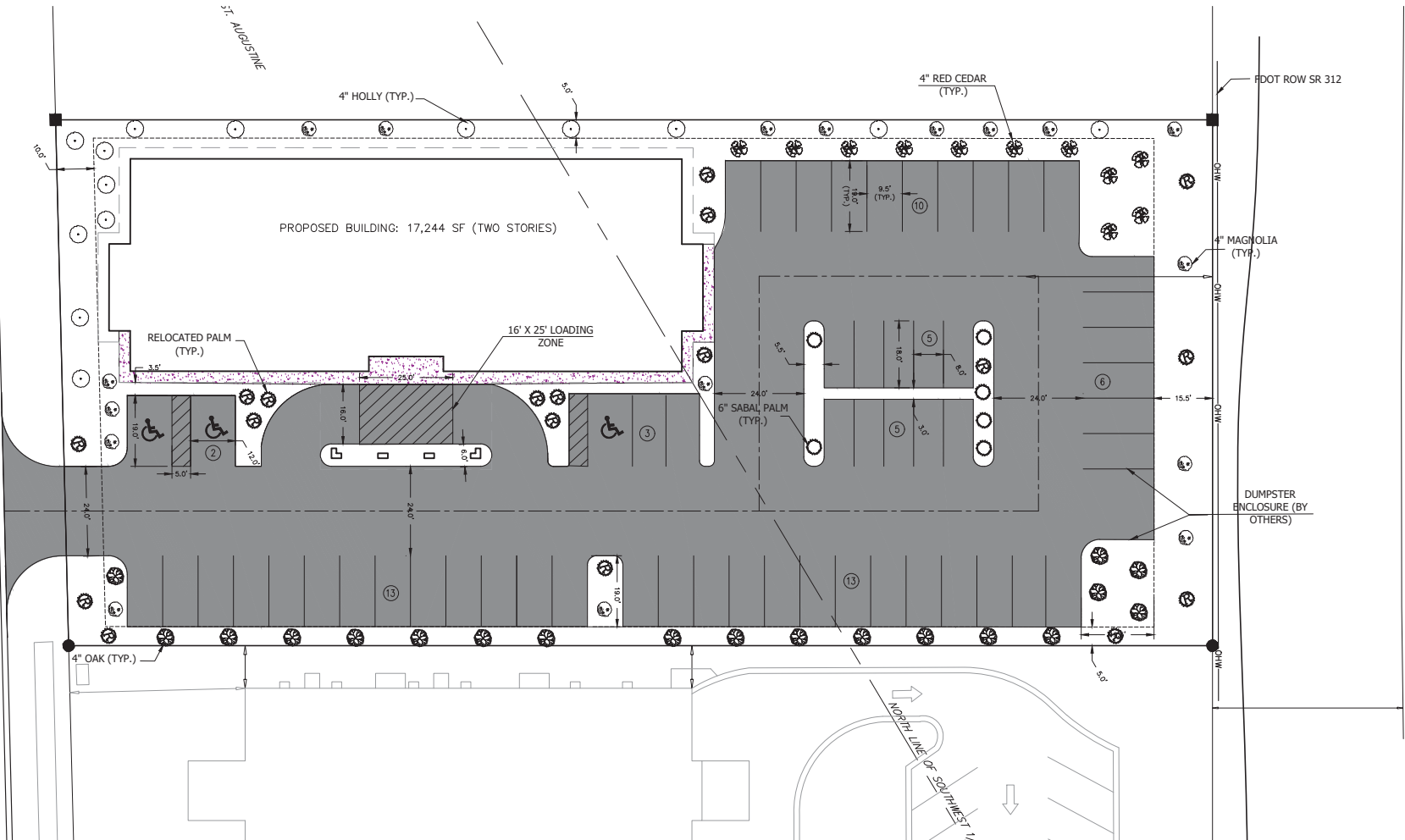
- EXISTING PROPERTY LINE
- EXISTING CENTERLINE
- PROPOSED DRIVE AISLE CENTERLINE
- LANDSCAPE BUFFER
- PROPOSED PARKING COUNT
- CONCRETE SIDEWALK
- STANDARD DUTY CONCRETE PAVEMENT
- PROPOSED REMOVED TREE

GENERAL NOTES

- CONCEPTUAL PLAN BASED ON SURVEY BOUNDARY INFORMATION OBTAINED BY GIS AERIAL INFORMATION AND AS SUCH CANNOT BE RELIED UPON FOR ACCURATE DESIGN INFORMATION.
- THIS CONCEPTUAL PLAN HAS BEEN PREPARED FOR THE BENEFIT OF ESTIMATING LOT AND BUILDING DESIGN OF THE PROPERTY. ACTUAL PARKING LOT AND BUILDING WILL BE DEPENDENT UPON THE FINAL DESIGN, PHYSICAL FEATURES OF THE SITE, APPLICATION OF CODES, PERMITTING AND REQUIREMENTS FOR APPROVAL.

ZONING:

CONSERVATION OVERLAY ZONE 3: IS COMPRISED OF UPLANDS AND URBAN/RESIDENTIAL AREAS WHICH ARE FROM ZONE 1 AND 2, AND WHICH REQUIRE SPECIAL ENVIRONMENTAL CONSIDERATION. ZONE 3 IS COMPRISED OF THOSE UNDEVELOPED AREAS CONSIDERED TO BE SPECIALS FLOOD HAZARD AREAS AND SIGNIFICANT TREE CANOPY AREAS.



CONCEPTUAL DESIGN PLANS FOR
PLANTATION ISLAND DRIVE
PROFESSIONAL OFFICE

SITE PLAN
ST. AUGUSTINE, FL



CA #30431
905 ANASTASIA BLVD., SUITE A, ST. AUGUSTINE, FLORIDA 32080
904.794.4231 mat@gulfstreamdesign.com
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PROJECT NO:	17-094
ISSUE DATE:	07/28/17
DRAWING FILE:	7094PROJ
XREFS:	0010BOUND 7094TIB
DRAFTED BY:	GRQ
DESIGNED BY:	MHL
CHECKED BY:	MHL
SCALE:	AS NOTED

NOT VALID WITHOUT SEAL

TREE REMOVAL DATA		TREE PRESERVATION DATA		TREE PLANTING DATA		TREE RELOCATION DATA	
TREE SIZE/TYPE (#)	TREE SIZE/TYPE (#)	TREE SIZE/TYPE (#)		TREE SIZE/TYPE	QUANTITY	TREE SIZE/TYPE (#)	TREE SIZE/TYPE (#)
6"BRAZILIAN PEPPER (1)	6"RAINTREE (50)	5"WAX MYRTLE (5)		4" OAK	19	14"PALM (25)	15"PALM (55)
6"BRAZILIAN PEPPER (2)	12"OAK (51)	5"WAX MYRTLE (6)		4" RED CEDAR	11	14"PALM (26)	15"PALM (71)
6"BRAZILIAN PEPPER(3)	17"PALM (52)	5"OAK (7)		4" MAGNOLIA	17	13"PALM (28)	10"PALM (72)
6"BRAZILIAN PEPPER (4)	11"RAINTREE (53)	5"OAK (8)		4" HOLLY	14	12"PALM (30)	10"PALM (76)
6"OAK (9)	8"RAINTREE (54)	11"PALM (56)		6" SABAL PALM	6	15"PALM (40)	15"PALM (78)
5"HOLLY (10)	13"PALM (57)	15"PALM (59)				14"PALM (41)	12"PALM (88)
9"CEDAR (11)	18"PALM (58)	6"RAINTREE (62)				13"PALM (43)	11"PALM (90)
16"CEDAR (12)	16"PALM (60)	15"PALM (73)				12"PALM (45)	15"PALM (91)
9"CEDAR (13)	13"PALM (61)	8"RAINTREE (75)				11"PALM (47)	10"PALM (95)
15"PALM (14)	9"RAINTREE (63)	13"CHERRY LAUREL (98)				11"PALM (48)	
15"PALM (15)	8"RAINTREE (64)						
16"PALM (16)	6"RAINTREE (65)						
15"PALM (17)	10"RAINTREE (66)						
7"CEDAR (18)	11"RAINTREE (67)						
15"PALM (19)	17"PALM (68)						
7"CEDAR (20)	18"PALM (69)						
16"PALM (21)	14"OAK (70)						
15"PALM (22)	8"RAINTREE (74)						
19"PALM (23)	8"HARDWOOD (77)						
15"PALM (24)	7"RAINTREE (79)						
17"PALM (27)	7"RAINTREE (80)						
14"CEDAR (29)	6"RAINTREE (81)						
6"RAINTREE (31)	6"RAINTREE (82)						
18"PALM (32)	4"RAINTREE (83)						
15"PALM (33)	19"PALM (84)						
15"PALM (34)	10"RAINTREE (85)						
15"PALM (35)	16"PALM (86)						
18"PALM (36)	8"RAINTREE (87)						
18"PALM (37)	13"PALM (89)						
18"PALM (38)	10"HARDWOOD (92)						
16"PALM (39)	6"OAK (93)						
15"PALM (42)	8"CEDAR (94)						
16"PALM (44)	5"CEDAR (96)						
15"PALM (46)	8"OAK (97)						
8"RAINTREE (49)							



GRAPHIC SCALE

0 10 20

1"=20'

LEGEND:

- | | |
|---|---------------------------------|
|  | EXISTING PROPERTY LINE |
|  | EXISTING CENTERLINE |
| | PROPOSED DRIVE AISLE CENTERLINE |
| | LANDSCAPE BUFFER |
|  | PROPOSED REMOVED TREE |
|  | EXISTING TREE TO REMAIN |

GENERAL NOTES

1. CONCEPTUAL PLAN BASED ON SURVEY BOUNDARY INFORMATION OBTAINED BY GIS AERIAL INFORMATION AND AS SUCH CANNOT BE RELIED UPON FOR ACCURATE DESIGN INFORMATION.
2. THIS CONCEPTUAL PLAN HAS BEEN PREPARED FOR THE BENEFIT OF ESTIMATING LOT AND BUILDING DESIGN OF THE PROPERTY. ACTUAL PARKING LOT AND BUILDING WILL BE DEPENDENT UPON THE FINAL DESIGN, PHYSICAL FEATURES OF THE SITE, APPLICATION OF CODES, PERMITTING AND REQUIREMENTS FOR APPROVAL.

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[illegible]

CONCEPTUAL DESIGN PLANS FOR
PLANTATION ISLAND DRIVE
PROFESSIONAL OFFICE
TREE MITIGATION PLAN
CT AUGUSTINE PL



906 ANASTASIA BLVD., SUITE A, ST. AUGUSTINE, FLORIDA 32080
904.794.4231 matt@gulfstreamdesign.com
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PROJECT NO:	17-094
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DRAFTED BY:	GRQ
DESIGNED BY:	MHL
CHECKED BY:	MHL
SCALE:	AS NOTED

NOT VALID WITHOUT SEAL

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **REZONING - #2018-0154**

AGENDA ITEM 8(a)

APPLICANT Sandy & Mike Wieber

OWNER Blake F. Deal III

LOCATION 7 Bridge Street

REQUEST Recommendation to rezone the property from Historic Preservation One (HP-1) to Planned Unit Development (PUD).

APPLICABLE CODES/ORDINANCES FOR REZONING

Sec. 28-30. - Comprehensive plan amendments, rezoning's and amendment of chapter.

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
- (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the comprehensive plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

Sec. 28-183. - Historic preservation district: HP-1. (Current Site Zoning)

Intent. This district is intended to provide primarily residential uses that will encourage the preservation and restoration of historic structures in the district.

- (2) *Permitted uses and structures:*
- a. Single-family. Owner occupied or rental dwelling unit. If a rental dwelling unit, rentals on a monthly or greater period of time.
 - b. Accessory apartments, apartments and duplexes, rental dwellings being rented on a monthly or greater period of time.
- (3) *Permitted uses by exception:*

- a. Public administrative and service facilities with structures and uses limited to business offices, museums and housing for employees.
- b. Churches.
- c. Schools.
- d. Nonprofit museums relating to the history of St. Augustine and the State of Florida.
- e. Nonprofit libraries relating to the history of St. Augustine and the State of Florida.

Sec. 28-184. - Historic preservation district: HP-2. (Areas north of Bridge Street)

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood.

(2) Permitted uses and structures:

- a. Single-family.
- b. Multifamily.
- c. Tourist homes and **bed and breakfast inns.**
- d. Professional and business offices.
- e. Rooming and boarding houses.
- f. Banks and other financial institutions.
- g. Retail sales (excluding rental of motorized vehicles):
 - 1. New.
 - 2. Antique.
 - 3. Souvenir.
 - 4. Gift.
 - 5. Craft, such as specialty food stores (including beer and wine but not supermarkets), clothing, toy and hobby shops, bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, cameras, florist or gift shop, sundries and notions, business office supplies, records and tapes, furniture, art supplies and similar uses.
- h. Service:
 - 1. Barbershop or beauty shop.
 - 2. Shoe repair.
 - 3. Restaurant (but not drive-in).
 - 4. Interior decorator.
 - 5. Photographic, art, craft, dance or music studios, indoor theatres, tailoring, catering and clothing rental.
- i. Museums.

- j. Housing for the elderly.
 - k. Home office, private.
 - (3) *Permitted uses by exception:*
 - a. Not-for-profit clubs.
 - b. Churches.
 - c. Cocktail lounges/taverns.
 - d. Hotels/motels/inns.
 - e. Drive-up windows for banks and financial institutions.
 - f. Home occupations.
 - g. Special event venue as per section 28-347(8).
 - h. Hostels.
-

Sec. 28-286. - Purpose and intent.

The purpose of the planned unit development (PUD) zoning district is to provide an option, and process for the provision of unique, individually planned developments that are consistent with the Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible, and innovative designs for projects than the regular zoning districts allow. The PUD process is a voluntary process initiated by an applicant to provide flexibility for their project, while at the same time providing an opportunity for the city planning and zoning board (PZB) and city commission to integrate potential benefits, limitations and regulations as it deems necessary to protect the public health, safety and general welfare.

The PUD process is designed to:

- (a) Promote more efficient and economic uses of land, including bypassed lands, land ripe for urban infill, and potential redevelopment projects;
- (b) Encourage a more compatible and harmonious development of contiguous lands;
- (c) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- (d) Provide a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
- (e) Demonstrate the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned developments relationship with the existing and preferred architectural context surrounding the project;
- (f) Provide an environment of consistent character compatible with the surrounding areas; and,
- (g) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

The intent of a planned unit development (PUD) is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD. A PUD is a zoning category that can be beneficially utilized in order to create site-specific regulations to address specific development or topographic conditions, historic or architectural features, existing structures, neighborhood patterns or transitioning uses of land. PUDs may be created as in-fill development or redevelopment, or may be developed as traditional residential subdivisions of vacant land. The regulations found in this section may be generally applicable to all PUDs, while others, such as section 28-291, are intended for traditional residential or mixed use subdivisions of vacant land. Amendments to existing PUDs shall comply with the same requirements as found herein for PUD rezoning.

Sec. 28-287. - Defined.

A planned unit development (PUD) shall mean the zoning district for the development of a particular parcel of land under unified control which is planned and developed as a whole in a single or programmed series of operations and conditions, with uses and structures substantially related to the character of the entire development. A PUD, established pursuant to ordinance of the city commission, must also include an attached final development plan, and project narrative with specified development conditions and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof. As a zoning district, the terms and conditions of a PUD shall be enforceable in the same manner as enforcement of all other city code provisions. All city rules, codes and regulations shall remain in full force and effect, and shall apply to the PUD unless a specific exemption, waiver or alternative condition is included in the approved PUD text and site development plan.

Sec. 28-289. - Procedures, application requirements and narrative PUD text.

- (c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:
- (1) No adverse effect finding. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.
 - (2) Consistency with the Comprehensive Plan and PUD regulations finding. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable.
 - (3) Need and justification finding. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.
 - (4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:
 - a. Permit a creative approach to the development of land; and

- b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
- c. Provide for an efficient use of land; and
- d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
- e. Provide an environment of consistent character compatible with surrounding areas; and
- f. Retain property values over the years.

(f) Given the scale and complicated nature of PUDs the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission. The PZB reserves the right to require only one (1) public hearing, if deemed appropriate by the PZB, the project may move straight to the city commission for rezoning.

STAFF SUMMARY OF REZONING

The Board will be making a recommendation to the City Commission for a small scale rezoning to Planned Unit Development (PUD) on 0.11 acres of land. Uses that are presently allowed under the HP-1 zoning are limited to single family homes and accessory apartments. The applicant has stated the uses currently in place are as allowed by the City in a settlement agreement (see attachment #8) and are as follows:

1. The house is leasable for a thirty (30) day period.
2. The house may be used for wedding, anniversary or similar events with the number of guests limited to forty-five (45).
3. The tenant must arrange for guest parking at one of the listed nearby local parking lots, and on-street parking in the neighborhood is prohibited.
4. Trash containers will not be placed in the street for pickup any further in advance that the day before trash pickup.

This rezoning to PUD will allow the applicant to set their own standards and consist of the following (*Staff input in italics*):

1. Proposes to preserve the exterior and interior of the Sanchez House by preservation easement. With the only material modifications to be made shall be to retile both bathrooms and replace the claw root tub with shower attachment with a shower in the other. There would be no footprint change to the bathrooms themselves.
2. No restriction on the number of weddings, but all weddings must be done by 8 P.M. Maximum guest count of sixty (60). *This seems to represent an overall increase the number of weddings (special events) since the applicant language reflects "no restriction on the number of weddings"*
3. No member of a wedding party may stay overnight at the Sanchez House, to ensure the property is clear of wedding party, guests and others associated with a wedding by 8 P.M.

4. Only on nights when no wedding is being held, the Sanchez House may be rented as two (2) units (upstairs and downstairs). *Note this would be similar to a bed and breakfast use under our Code.*
5. Parking will be provided for each unit, for a total of two (2) two guests.

This development will be required to have off street parking for the proposed bed and breakfast use. The PUD proposes one (1) on site space in the garage and four (4) additional spaces off-site at the Bayfront Marin House. This would meet the minimum number of parking spaces for the proposed new use.

Items such as signage will comply with its current signage zone and the architecture will consist of the current Spanish Colonial style. Also conformance with Architectural Guidelines for Historic Preservation, setbacks, height, lot requirements, building lot coverage shall comply with the current HP-1 zoning standards and have been incorporated into the PUD. However the applicant has requested waivers to keep the current front setback along Marine Street and Bridge Street. Development would consist of one (1) phase with proposed bathroom work to be commence within one (1) year and be completed within one (1) year. The applicant has indicated a termination date for the PUD will be fifteen (15) years after adoption by the City Commission. A neighborhood-developer meeting, in accordance with City Code, was held in regarding the development of the parcel; the legal notice is with the packet (see attachment #3). An additional voluntary meeting was to be held before the January 8, 2019 Board meeting date was indicated by the applicant.

The applicant is required to submit an (traffic) impact analysis per the PUD text and an engineered traffic impact study has been provided which indicates a net increase of twenty (24) peak hour trips for the requested new use and allowing more special event venues. This would be an almost one percent (1%) increase on road systems that have an “E” on the Florida Department of Transportation Level of Service Standard. This report has been attached to the packet.

STAFF ANALYSIS OF REZONING

The bed and breakfast use is not allowed within the HP-1 zoning district. Also the applicant indicates the special event use currently allowed by a settlement agreement with the City will increase in the number of allowed guests from forty-five (45) to sixty (60) and also indirectly indicates there would be no restriction on the number of weddings held on premises. With the new use and the extension of the weddings (special event venue) it has been indicated that the amount of generated trips would increase by twenty-four (24) and some of this traffic would be dispersed on local road systems such as Bridge Street, Avenida Menendez, & Granada Street.

The applicant has proposed preservation easement protection as a basis for the rezoning. However the current adopted Architectural Guidelines for Historic Preservation as allowed under the HP-1 zoning would protect any new or existing development with the exception of the building interior. With the priority being the building exterior, building location, and site layout. Also the applicant has indicated that specific uses not currently allowed under the HP-1 zoning are allowed by a settlement agreement with the City, with the exception of the bed and breakfast use and potential additional special event venue usage.

Rezoning Findings of Fact (Section 28-230.c, City Code) *Staff interpretation in italics*

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) **The need and justification for the change.** *The special event venue (weddings) is an allowed use on the premises based on a settlement agreement with the City and the site is currently protected by the Architectural Guidelines for Historic Preservation given its current HP-1 zoning category. This rezoning would just incorporate the base zone standards of HP-1, the Architectural Guidelines for Historic Preservation, and incorporate a preservation easement for the exterior and interior changes for this rezoning to PUD. The new bed and breakfast use, allowed additional guest for the special event venue (weddings), and no restrictions for a special event venue (weddings) or indicated in the PUD.*

(2) **The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.**

The proposed PUD provides for similar protections that currently exist under the HP-1 zoning category. This would be consistent with our Comprehensive Plan. The proposed PUD does appear to intensify the use of this property.

(3) **Consistency with the comprehensive plan.** *See staff comments under #2.*

Planned Unit Development Findings of Fact (Section 28-289.c, City Code), as applicable Staff interpretation in italics

(c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:

(1) **No adverse effect finding.** *The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood. Staff believes the new bed and breakfast use, the increase in number of guests, and the expansion of the special event (wedding) use may affect the orderly development of the City by allowing additional traffic into an area as indicated in the traffic impact analysis and cause the expansion of a bed and breakfast use further closer to the HP-1 zoning category which allows for single family uses.*

(2) **Consistency with the Comprehensive Plan and PUD regulations finding.** *The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable. The PUD appears to be generally consistent with the Comprehensive Plan. Staff cannot find a justifiable need to rezone the property to PUD based on the intensification of the commercial use of the property. Staff also does not find this PUD allows for a creative approach to the development of the property and that it accomplishes a more desirable environment than through traditional zoning in accordance with Section 28-289, City Code*

(3) **Need and justification finding.** *In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations*

thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses. *See staff comments under #1 & 2.*

(4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:

- a. Permit a creative approach to the development of land; and
- b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
- c. Provide for an efficient use of land; and
- d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
- e. Provide an environment of consistent character compatible with surrounding areas; and
- f. Retain property values over the years.

See staff comments under #1 & 2. Also the PUD would not be improving the appearance of the area through preservation and enhancement of historic features since the PUD is adopting the HP-1 standards and Architectural Guidelines for Historic Preservation, it would be staying the exact same. The additional preservation easement for the exterior and interior would not be an addition since our Codes and architectural guidelines already provide this external protection.

STAFF RECOMMENDATION

Staff does not make recommendations concerning the rezoning of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding the rezoning of land.

If the PZB requires a second public hearing, then the PZB should announce the required second public hearing date for this item beginning at 2:00 P.M. on February 8, 2019, Alcazar Room, City Hall, 75 W. King St., Saint Augustine, FL.

If the PZB does not require a second public hearing, and the Board **CAN** find there is a need & justification for the rezoning & it finds that the rezoning **DOES** support the general planning program & Comp Plan then the Board **CAN** approve the rezoning.

If the PZB does not require a second public hearing, and the Board **CANNOT** find there is a need & justification for the rezoning & it finds that the rezoning **DOES NOT** support the general planning program & Comp Plan then the Board **CANNOT** approve the rezoning.

SUPPLIMENTS

- Attachment 1 – Application & Historical Record.
- Attachment 2 – Proposed PUD.
- Attachment 3 – Neighborhood-Developer Meeting Information.
- Attachment 4 – Property Appraiser Info. & Location Map.
- Attachment 5 – Traffic Impact Analysis.
- Attachment 6 – Neighboring PUD Ordinance 1999-36.

Attachment 7 – Land Use, Zoning, Aerial Maps.
Attachment 8 – Current Settlement Agreement.

David Harrell, AICP
Senior Development Review Planner
Planning and Building Department

Attachment 1
Application & Historical Record



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

NOV 06 2018

mwieber@comcast.net

Planning/Building Dept.

Application Fee: 400⁰⁰ (plus advertising costs)

Project Number: 2018-0154

Receipt Number: 1481079

Meeting Date: 12-4-18 01-03-19

Advertising Costs: \$ 91.74

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Sandy and Mike Wieber Contact Number: (904) 824-4301

Business (if applicable): _____

Address: 142 Avenida Menendez City: St. Augustine State: Florida Zip: 32084

2. NAME OF PROPERTY OWNER: Blake F. Deal III Contact Number: (904) 571-3877

Business (if applicable): _____

Address: 2215 Third Street, Suite 100 City: Jacksonville Beach State: Florida Zip: 32250

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 1, 1-A & 2

Block: 22

Subdivision: City of St. Augustine

Parcel Number: 198430-0000

4. PROJECT STREET ADDRESS: 7 Bridge Street

5. SPECIFIC PROPOSED USE: Bed & Breakfast via Planned Unit Development (PUD)

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☒ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Planned Unit Development (PUD) for Sanchez House, including facade easement to ensure perpetual protection of the historic building. The use would be less intensive than existing today, as explained in the attached.

8. JUSTIFICATION FOR ACTION REQUESTED: See 7., and attached written description.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?

Please explain fully: _____

- (b) Can you establish that this disadvantage is not due to the owner's actions?

Please explain fully: _____

- (c) Can you establish that this disadvantage prevents reasonable use of the property?

Please explain fully: _____

- (d) If granted, will the variance adversely affect other property in the area?

Please explain fully: _____

- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☒ Yes ☐ No If yes, please give date and final disposition below.

March 22, 2018, withdrawn before public notice; July 13, 2018, withdrawn before publication.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

Michael B. Williams
Signature of Applicant

Sandra D. Williams

9/30/18
Date

Signature of Property Owner

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Michael S. Wieber Sandra Wieber

Print name of applicant

Michael S. Wieber Sandra Wieber

Signature of applicant

9/30/18

Date

JOSE SIMEON SANCHEZ

Jose Simeon Sanchez was born in 1797 in Saint Augustine, Florida. His parents were Francisco Xavier Sanchez and Maria del Carmen Hill. At the time of his birth, and during his youth, the family life and public stage were both set to equip him with knowledge and experience that will result in a career that ranks him as one of the most prominent native sons of the Florida Territory and Statehood days.

Responsibilities were early thrown on his shoulders after his father died in 1807, leaving his large estate to his numerous children. During his youth, Jose Simeon served in the Spanish forces at Amelia Island and after 1821 in the Militia of the Territory of Florida. In 1829, he was promoted to the rank of Lieutenant Colonel. He became Sheriff of St. Johns County in 1827, and later served as marshall for East Florida, Justice of the Peace, Representative in the East Florida Territorial Council, Delegate to the 1839 Florida Statehood Convention, attorney, tax collector, administrator of various estates, and finally Mayor of Saint Augustine in 1847.

During all the time he was pursuing his public career he also gave attention to his own business affairs and to those of relatives. For many years, he was involved in long drawn out proceedings before land claim commissions set up by the United States to determine ownership of contested land.

Jose Simeon Sanchez died in September of 1853 in Saint Augustine. His death brought to an end one of the most notable careers of a native son of this City.



ONE OF THE FINEST EXAMPLES of second Spanish period architecture is the Jose Sixteen San-

chez House at the corner of Bridge and Marine.

THE HISTORY OF THE SANCHEZ HOUSE

by

Boris M. Quinn

In 1791, Jose Rosy built a little wooden house on King's Lot #164, block 22. When Francisca, his daughter, married Jose Dulcet ownership of the property was transferred to them, ~~approximately 1802~~. This was before the Royal gift of houses. Their home was just a cottage. On June 17, 1801 a clear title was given to them by virtue of Royal Cedula, a patrimony or royal donation. Their deed was dated February 18, 1802. The actual sale of the house to them was dated April 10, 1802 as not before was there a clear title to this lot with obligations and bond cancelled and vested in the Rosy family. It is said that in 1788, this lot was occupied by a delapidated wooden house. The property had evidently been the property of the crown.

The above named, Jose Dulcet was born in 1761, in Barcelona, Spain.

His surname can sometimes be seen with the spelling, Dulset or Dulzet. This can be noted with the surname Rosy, sometimes Rossi. Jose Dulcet's parents were Pedro Dulzet and Maria Secret Dulzet. Jose and Francisca had two daughters, Mariana Antonia, born in 1797, and Philipa Angela Francisca, born in 1799.

According to Escrituras at the Webb Memorial Library, as researched by Alberta Johnson, in November 1938, payment for the above property was due the Royal Treasury by mortgage. Description stated that it was bounded west by street of the Barracks, north by lane leading to the Marina, east by the Playa, south by Francisco Rovira. Original Spanish records, with signatures of contracting parties, may be seen at the St. John's County Archives Deed Book in County Judge's office. This book is in bad condition without covers. Refer to pages 445-447.

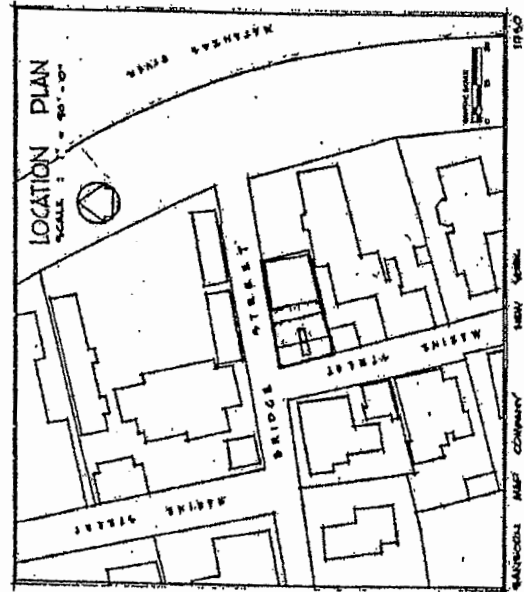
On July 7, 1804, Francisca Rosy sold to George Long, Jr. the cottage, "which house I had with consent of my deceased husband from Jose Rosy, my father; came to me by Royal patrimony deed 15, Feb. 1802, a Royal donation under the cedula 17 June 1801, no bond or promisory note." (This translation of the deed in Escrituras 1804, p. 145.)

Evidently, the coquina house now standing was built after 1804 by above purchaser, George Long, Jr. The next record of title transfer, according to Deed Book "C", pages 140-141, was dated July 20, 1821 at Camden County, Georgia. This sale from Long is to Lewis Levy reading "all that certain house and lot situate in St. Augustine, built with masonry, two stories and shingled roof, situated on the street in front of the house occupied by the Father Curate Michael Crosby and leading direct to the Barracks; with the lot on which it stands, bounded on the north by a lane going to the river, on the west the aforesaid street and on the south by a house and lot of Francis P. Sanchez which did belong to Francisco Rovira and on the east by the river, containing in front 14 varas and in depth 23 varas ..."

It is claimed that this house is the "only historical home on waterfront in St. Augustine and is so shown on maps of St. Augustine Historical Restoration and Preservation Commission. According to John Griffin, Head of the St. Augustine Historic Commission, the house is the best preserved home in the city which has remained basically untouched since Spanish days. The south wall is believed to date from 1791. The rest of the house was completed sometime around 1804, as it now exists. The walls downstairs are nearly two feet thick. It has approximately 1147 square

THE LONG - SANCHEZ HOUSE

43 MARINE STREET, ST AUGUSTINE, ST JOHNS COUNTY, FLORIDA
AT BRIDGE STREET



HISTORICAL NOTE

THE HOUSE WAS PROBABLY BUILT BY GEORGE LONG BETWEEN 1874 AND 1878. IN THE CEMENT'S SURVEY OF 1884, IT IS LISTED AS THE PROPERTY OF JESSE S. (JOE) WOOD. SANCHEZ, SANCHEZ WAS PROMINENT POLITICIAN IN BOTH CITY AND STATE AFFAIRS DURING THE TERRITORIAL AND EARLY STATEHOOD PERIODS. THE HOUSE REMAINED IN THE SANCHEZ FAMILY UNTIL PURCHASED BY W. A. LEWIS IN 1905. THE HOUSE HAS BEEN RESTORED OR BUILT RECONSTRUCTED BY ARCHITECT WILBUR TOLBERT OF THOMASVILLE, GEORGIA. BUT THIS HAS ALTERED LITTLE OF ITS ORIGINAL FABRIC. THE HOUSE IS A GOOD EXAMPLE OF ST. AUGUSTINE DOMESTIC ARCHITECTURE OF THE SECOND SPANISH PERIOD.

THESE DRAWINGS WERE DONE BY THE EASTERN OFFICE OF THE DIVISION OF DESIGN AND CONSTRUCTION NATIONAL PARK SERVICE, CHARLES E. PETERSON, SUPERVISING ARCHITECT, HISTORIC STRUCTURES, IN COOPERATION WITH THE ST. AUGUSTINE HISTORICAL RESTORATION AND PRESERVATION COMMISSION, THE WORK FINANCED UNDER THE 'MISSION 66' PROGRAM. FIELD WORK UNDER THE SUPERVISION OF HENRY C. EDWARDS, ASSISTANT PROFESSOR OF ARCHITECTURE, UNIVERSITY OF FLORIDA AND EXECUTED BY ARCHITECTURAL STUDENTS LEBERT L. BAILEY, UNIVERSITY OF FLORIDA, RALPH H. FERTIG, PENNSYLVANIA STATE UNIVERSITY, AND SUZY LOWELL, UNIVERSITY OF KANSAS.

FROM THE FILES OF THE ST. AUGUSTINE HISTORICAL SOCIETY

DATE: 4/1/1961	BY: CHARLES E. PETERSON	FOR: NATIONAL PARK SERVICE
PROJECT NO. 1961	PLAT 1961	FLORIDA
NAME OF STRUCTURE: THE LONG - SANCHEZ HOUSE		
43 MARINE STREET AT BRIDGE STREET, ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA		
HISTORIC AMERICAN ARCHITECTURE SURVEY		
SHEET 1 OF 1		

SUPPLEMENT FOR FMSF SITE FORMS

Site 8SJ2501

SITE NAME Sanchez House
NATURE OF SITE ☒ standing structure ☐ archaeological site ☐ both

A. NARRATIVE DESCRIPTION OF SITE

The colonial architecture of St. Augustine was influenced by a royal ordinance concerning the laying out of new towns issued by the King of Spain in 1573. It was decreed that in hot climates the streets should be narrow, and that: "All town houses are to be so planned that they can serve as a defense or fortress against those who might attempt to create disturbances or occupy the town. Each house is to be so constructed that horses and household animals can be kept therein, the courtyards and stockyards being as large as possible to insure health and cleanliness."

Thus in St. Augustine, the streets were narrow, and the houses built right upon them, with walls protecting the courtyards from the street.

The colonial house at 7 Bridge Street (which also uses the address 43 Marine Street), built during the Second Spanish Period, clearly shows the effects of these early regulations. It is built to the street line on two sides, Bridge and Marine, and a high wall of coquina and other rubble encloses the grounds to the north and east.

It is two-and-one-half stories, constructed of coquina, the porous native shellstone quarried on nearby Anastasia Island and plastered for protection from the elements. The stucco finish is basically smooth. This is one of the few colonial buildings in St. Augustine that has not lost its visible character through inharmonious modern stuccoing.

The wood shingled gable roof has a north-south orientation with one small shed-roofed dormer on each side. Toward the bayfront the roof is double pitched, and joined to a shed-roofed two-story open porch with chamfered posts and X-pattern balustrade.

Windows are double-hung 12/12 (1/1 on the dormers) with protective metal grates on the first floor. Shutters are not present, but hinges on the windows and stain marks on the walls show where they used to be.

The door on Bridge Street is six-panel cross pattern; the two on Marine Street are eight-panel cross pattern. The first story corner at Bridge and Marine has been chipped away by traffic over the years.

Two clashing inharmonious modern additions are the one-story parapet-roofed garage on the south side and the modern concrete block wall along the now overgrown, partially bricked garden to the east of the walled patio.

The main block of the house itself is one of the outstanding examples of Second Spanish Period architecture in St. Augustine, and part of an important collection along this section of Marine Street.

The area of the colonial city between Bridge and St. Francis Streets is one of mixed usages. Though primarily residential, it includes commercial tourist attractions, religious, and educational buildings. The narrow streets, some still brick, conform to the colonial town plan listed on the National Register of Historic Places. Construction dates in the area range from colonial through modern times. Many of St. Augustine's surviving colonial buildings are located along Marine and St. Francis Streets, including the Oldest House. Along the bayfront and on St. George Street are two of the outstanding Victorian neighborhoods of the city, with many elegant winter residences from the Flagler era. Some colonial-style buildings have been reconstructed, and other buildings have been remodeled in the St. Augustine Colonial Revival style. The area is bounded on the west by Cordova Street and on the east by the bayfront. The section of Avenida Menéndez between Bridge and St. Francis is the major waterfront residential street of the downtown area. The area has suffered many demolitions for parking lots and expanded school grounds over the years. A heavy toll has been taken among Flagler-era buildings. The area continues to feel pressure from the large amount of tourist and school traffic that passes through.

B. DISCUSSION OF SIGNIFICANCE

This Spanish colonial building was constructed of native shellstone (coquina). The narrow streets with houses and their courtyard walls built to the street line reflect the requirement of Royal decrees for New World towns. Except for a two-decade interlude (1763-1783) of British ownership, St. Augustine was a Spanish colonial outpost for two-and-one-half centuries. In 1821, when ceded to the United States, the city's Iberian defensive environmental elements were well established and have retained that character to the present.

C. HISTORY AND BIBLIOGRAPHY OF PAST WORK AT SITE

This section of the walled colonial city was first occupied in the 17th century as the early settlement expanded south towards the St. Francis convent. Most structures were destroyed in 1702 by the invading South Carolinians, but by mid-century, houses had been rebuilt on all streets except present-day Cordova Street, then the course of the early 18th-century Rosario defense line. The northern boundary of the area, Bridge Street, led to one of three late colonial San Sebastian River ferry crossings. The British demolished numerous buildings here, but were the first to build along the bayfront on the east side of Marine Street. The Spanish filled this low-lying land in the 1790s, and substantial residences were thereafter erected on the reclaimed land. The Spanish crown owned considerable property in this section of the colonial city, such as a school building near the south-east corner of Bridge and St. George Streets and the vacant land west of St. George Street where crops were raised by the garrison. Nine colonial buildings have survived in this section, particularly in clusters along Marine and St. Francis Streets: Sanchez, Marin, Puella, Jones and the two Rovira Houses on Marine; Tovar and Oldest House on St. Francis; and the St. Francis Inn on corner of St. George and St. Francis. The Llambras House and the St. Francis Barracks lie on the south side of St. Francis Street. (1) The area remained essentially residential throughout the American period, although several religious structures were built along St. George Street (the non-extant 19th-century Presbyterian Church and the 20th-century Cathedral

Parish School complex) and along Cordova Street (the 20th-century Synagogue). Several boarding houses were scattered throughout the area, most notably the St. Francis Inn building and the Valencia Hotel. Taken as a whole, this section has a high concentration of 18th- and 19th-century buildings on all streets except Cordova which was developed primarily in the 1920s.(2)

A wooden house on the site of 7 Bridge Street (which also uses the address 43 Marine Street) was purchased in 1804 by George Long, a native of Ireland, who later lived in Pennsylvania and came to St. Augustine by 1793 to take advantage of the land grants provided to encourage settlement of East Florida during the Second Spanish Period. He received land in both the Julington Creek and Matanzas areas. He took possession of the Matanzas land about 1800 but the family was driven out by Indians prior to 1812. This may have been where they took refuge in St. Augustine, replacing the wooden house with the now existing stone one. Mrs. Long had previously been married to a planter named McIntosh and her two daughters by that marriage were raised in the Long family. One of them was the mother of William J. Mills, the first mayor of Jacksonville. When George Long died, the house was inherited by his son George Long, Jr., who sold it by 1821 to Lewis Levy.(3)

With the change of flags from Spanish to American rule, Levy sold the house to Belton A. Copp. Copp was born in Connecticut in 1796 but grew up in St. Augustine when his father, Daniel (1770-1822), sold his general store in Connecticut and headed to Florida in search of merchandising opportunities. Daniel was appointed a city alderman in 1821, but died the next year, leaving a wife and eight children. Belton Allyn Copp studied law and was practicing in Florida by 1823 when he was recommended by Judge Joseph Lee Smith (father of General Edmund Kirby Smith) for appointment as U. S. Attorney for East Florida to succeed Alexander Hamilton, Jr. Someone else received the appointment instead, and Copp practiced law in St. Marys, Georgia until 1833 when he returned to Connecticut to help look after his mother and the rest of the family.(4)

The house at Bridge and Marine was bought in 1829 by A. S. Willington, who sold it in 1835 to Charles Downing, who served as Florida's territorial delegate to the U. S. House of Representatives. Downing was acting as trustee for Mary, the wife of Joseph Simeon Sanchez (1797-1853) whose family would occupy the house for nearly a century.(5)

Sanchez was the most prominent of twenty children (the first nine black, the next eleven white) of Francisco Xavier Sanchez (1736-1807) a native Floridian who owned a large cattle ranch at Diego Plains and had wide real estate interests. Joseph Simeon Sanchez had a long career in public office, serving as city alderman, tax collector, mayor, justice of the peace, sheriff, marshal, representative to the legislative council and delegate to the Constitutional Convention. He was also president of the putative "Southern College" that was to be located in St. Augustine but never came to fruition. He married Mary Lopez in 1816. She died in 1841 and in 1847 he married Sabina Marin, the widow of naval officer Charles Hawkins.(6)

About the time of the death of the first Mrs. Sanchez, great changes were made in the house. On August 28, 1841 the house was leased for five years at

the rate of \$350 per year to John A. Roddy, Arthur Magee and George Center, who operated a wharf on the bayfront behind the house. On September 16, Magee contracted with Henry Wharton for repairs to the house, the specifications of which included:

"The stone and wooden partitions downstairs to be taken down. The terrace floor to be dug up and new beams laid, all the old floor of the house downstairs to be taken up and new Floor laid of 1/4 inch [1" x 4"] Yellow pine, Tongued + Grooved plank ... all the sashes to be repaired and glazed ... The flooring under Stair Case not to be touched, the Pantry under Stair Case closed up. The roof to be shingled (best quality of shingles) with two dormer windows and single Battened shutters. Plaza upstairs five feet wide and length of new stone wall, that has to be put up, with neat Handrail three feet high. New stone wall to be put up on the East Side of the House where it is now weather Boarded. Lathed and plastered and one door above and one below in Same partition. The Ceiling of the large room up stairs to be all replastered with two coat work, all other plastering work of the Building inside to be Completely repaired, new Base up stairs in all the rooms. —Up Stairs—one single battened door, Two paneled doors, one new door frame, four pair Vinitian Blinds, Six window frame Sashes all to be glazed complete for painting, Two paneled shutters, one pannel + Sash door, to go out to the plaza—with shutters for sash. The house to be plastered out side all over, and whitewashed inside throughout, all the doors + window shutters to be fastened in a Strong and substantial manner, the locks, Bolts + Hinges to be of the best quality..."(7)

A bill from Henry Wharton to Center, Magee and Co, submitted in 1845 shows that additional work was done on the property: repairing the wharf, fencing the lot, building an ice house, privy and warehouse, repairing the kitchen, putting shelves in the store. There was an addition to the south side of the 7 Bridge Street house.(8)

In 1847 Joseph Simeon Sanchez married the former Sabina Marin, whose family home was one house south on Marine Street. He died in 1853 and the house at Bridge and Marine was inherited by his children. One daughter, Cornelia Loring (sister-in-law of Confederate General William Wing Loring) sold her 1/8 interest to her sister Ellen, wife of Judge John Lott Phillips. A son, Frank Sanchez, traded his interest for the house at 53 Marine Street and other property. It came to be known as the house of the Sanchez sisters, or, as they called it, "Bleak House," after the popular novel by Charles Dickens.(9)

Some of the Sanchez sisters were Confederate firebrands during the Civil War. A popular story is told of the actions of daughter Christina while Union soldiers occupied the city and forbid display of the Confederate flag:

"The fiery Sanchez beauty conceived the idea of attaching a tiny Confederate flag to the door of her pet canary's cage. This cage she hung on a pole in front of her home where it could be plainly seen by all who passed. Upon hearing of her defiance a Yankee officer came to arrest her for treason. To the amazement and embarrassment of the officer she was acquitted because she claimed that she was innocent of the charge. She could not be held accountable if her pet canary chose to show its

loyalty to the cause of the south by flaunting the banner of the boys in Grey in the very eyes of the boys in Blue." (10)

Another sister, however, married one of the Union soldiers, Davis Foster. Their son, J. Clifford R. Foster, served as adjutant general of Florida for many years.

The local newspaper reported many years later that:

"...it is through the quartet of daughters that the most picturesque events attach to the old house. For example, one of the very old ladies declined to follow changing fashions. Instead, she insisted on clinging to styles she had liked years previous, so that when she emerged for a stroll to town, or for a social call, it would be clad in a "Grecian bend" gown and all accessories that went with that period. While her friends might smile, it was indulgently, and she was described as a "very sweet old lady".

"Then there was the very controversial one, who had many disputes, and seemed destined to be continually involved in some argument in which she distributed much very positive printed and written, even chalked up, language. It is said there is still a house in town on which she declared she had put an eternal jinx. The owner of the house laughs at the idea but admits there's been plenty trouble since it came into their possession. This woman preserved her Spanish type of good looks, having a striking appearance with Castilian form of face and her satiny black hair parted and smoothed down both sides of her face.

"Another one of the "beautiful Sanchez girls" is said to have been on her honeymoon in another State when she sent her husband downstairs in the hotel to find out "what the row down there was all about." He was shot." (11)

The octogenarian sisters began to die off in the decade of the twentieth century, and in the 1920s part of the house was used for different purposes. In 1920 the Hook Mill Shop and Tea Room was located there. In 1924 the Orange and Blue Tea Room opened. In 1925 Mam Lindy's Coffee House was the tenant. In 1926 and 1927 it was headquarters for the Galleon Art Club, forerunner of the St. Augustine Art Association. (12)

Finally in 1931 the last of the Sanchez sisters died. The local press reported:

"St. Augustine lost yesterday one of its oldest and most beloved residents when Miss Christina Sanchez quietly passed away at sunset in her quaint little home on the corner of Bridge and Marine Streets. She was in her 93rd year.

"The deceased was the daughter of the late Joseph S. Sanchez, one of the most prominent men in the territorial days of Florida, he being one of the first legislators when Florida was a territory. Miss Sanchez was the last of a large family of sisters and brothers, and was the aunt of the late General J. Clifford R. Foster, who had tenderly cared for her for many years. Since the general's death, Mrs. Foster had assumed this responsibility.

"Miss Tina," as she was affectionately known to her friends, will be missed by many people in all walks of life, for she was one of the kindest and most lovable of the city's old residents. She was extremely interested in people and displayed the utmost pleasure whenever friends came to call. She was always alert and intelligent, keeping in touch with all current events of the world. She was utterly unselfish, never complaining, and was a devout member of the Catholic Church.

"Miss Tina" was ill with a cold only two days, and quietly, and with no pain, she passed away yesterday afternoon between 5 and 6 o'clock in the picturesque old coquina dwelling, known as "Bleak House." (13)

After a period of vacancy, the house was sold in the 1930s to William Aquilla and Beulah Robinson Lewis of Mount Eccentric, The Plains, Virginia, who also bought the colonial Marin house at 47 Marine Street and the attached Victorian apartment at 142 Avenida Menendez. Mr. Lewis was general manager of the Robinson Improvement Company, founded by his father-in-law, which had large timber and pulpwood holdings in Duval and St. Johns Counties. (14)

"Bleak House," which they renamed "Arequipa," had fallen into extreme disrepair. They restored it, submitting the plans to Dr. Verne Chatelaine and the historic restoration program for advice. Project architect was Wilbur Tollerton of Thomasville, Georgia. The local paper reported: "This evidence of cooperation is one of the most delightful phases of the early endeavors of the Restoration Program. The house will have modern conveniences, and be essentially livable, but olden charm will prevail." (15)

The Lewises used it as a winter home, spending several months there each year. When W. A. Lewis died in 1960 at the age of 85, a six-acre plot of ground for a wayside park at Tocol Road—former route of the St. Johns Railway—was donated in his memory. Beulah Robinson Lewis died in 1966. Since then the property has gone through a series of short-term owners, most of them absentee. (16)

1. Kathleen Deagan, et al, "A Sub-Surface Survey of the St. Augustine City Environs," (Tallahassee, 1976); Juan Jose Elixio de la Puente, "Plano . . . de la Plaza de San Agustín," January 22, 1764; Mariano de la Rocque, "Plano Particular de la Ciudad de San Agustín," April 25, 1788; East Florida Papers, Escrituras, 1784-1821; Albert Manucy, The Houses of St. Augustine, 1565-1821 (St. Augustine, 1962), pp. 22-25 and 41-47.

2. Anon., "Copy of a Plan of the City of St. Augustine," 1833; 1885 and 1894 Birds-Eye Views; Sanborn Fire Insurance Maps, 1888-1958.

3. St. Augustine Historical Society biographical cards, "Long"; Spanish Land Grants in Florida (Tallahassee, 1940), Volume I, p. 206; Volume IV, pp. 66, 126-7, 201; St. Johns County Courthouse, Deed Book C, p. 140.

4. Deed Book C, pp. 64, 141; SAHS biographical cards, "Copp"; Florida Gazette, September 1, 1821; Clarence E. Carter (ed.), Territorial Papers of the United States (Washington, 1956), Volume XXII, pp. 678, 806.

5. Deed Book H, p. 340; Deed Book M, pp. 8-11.

Attachment 2
Proposed PUD

WRITTEN DESCRIPTION

This Written Description explains the benefits of the proposed use to the community and compatibility with surrounding uses consistent with s. 28-288, City Land Development Code.

The Sanchez House, located at 7 Bridge Street, St. Augustine, Florida, is an historical building located in the Historic Preservation 1 ("HP-1") District of the City of St. Augustine. The Sanchez House was built in 1793 by Jose Simeon Sanchez. Sanchez was a leading stateman in St. Augustine's first Spanish colonial period. The Sanchez House is virtually unchanged, from its coquina exterior to its impeccably restored interior.

The HP-1 zoning provisions currently applicable to the Sanchez House are the following:

- Section 28-183 delineates the permitted uses of a building structure in the HP-1 District to include: "Single Family. Owner occupied or rental dwelling unit. If a rental dwelling unit, rentals on a monthly or greater period of time."
- Section 28-2 defines a "dwelling unit" as "a building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family."
- Section 28-2 further defines "family" as "one (1) or more persons related by blood, marriage, adoption, guardianship or similar relationship, or a group not to exceed three (3) unrelated persons living together as a single housekeeping unit."

The Sanchez House may currently be rented to persons under the terms of an agreement by and between the City of St. Augustine and current owner, Blake Deal pursuant to s. 70.51, F.S., mediation; a written lease that of the premises must contains the following provisions:

- The lease is for a 30-day minimum period;
- The house may be used for wedding, anniversary or similar events with the number of guests limited to 45;
- The tenant must arrange for guest parking at one of the listed nearby local parking lots, and on-street parking in the neighborhood is prohibited;
- Trash containers will not be placed in the street for pickup any further in advance that the day before trash pickup.

The City has expanded the existing loading zone on Avenida Menendez in front of the Bayfront Marin House for use by the Sanchez House and other businesses. Sanchez

House ~~special event~~ or guests shall not use Marine Street or Bridge Street for loading and unloading.

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The applicant proposes to preserve the Sanchez House both inside and out through a Planned Unit Development (PUD) under Article 28, Division 8, of the City Code. The City's Historical Architectural Review Board typically only addresses the exterior of a historic property. The applicant proposes to go beyond HARB authority to preserve both the exterior and interior of the Sanchez House. The only material modifications to be made shall be to retile both bathrooms and ~~replace the shower in one of the bathrooms, and replace the clawfoot tub with shower attachment with a shower in the other.~~ There will be no footprint change to the bathrooms themselves. Otherwise, the only changes allowed shall be to comply with life safety standards. The applicant shall record a deed of preservation easement on the entire exterior of the building (including the front, sides, rear, and height). The easement shall bar any change to the exterior that is inconsistent with the Sanchez House's historic character. Consistent with Natural Park Service and other criteria, the Sanchez House's significant interior space shall be preserved as well.

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Consistent with federal standards, the public will have visual access to the façade, as the Sanchez House remains a prominent bayfront fixture for over two centuries. Thousands pass by the house on 7 Bridge Street.

The easement will be granted in perpetuity to a qualified organization under IRC S. 170(c), with both a conservation purpose and written commitment to enforce the easement.

In return for the preservation easement, the applicant seeks the following:

1. No restriction on the number of weddings, but all weddings must be done by 8 PM. Maximum guest count of 60.
2. No member of a wedding party may stay overnight at the Sanchez House, to ensure the property is clear of wedding party, guests and others associated with a wedding by 8 PM.
3. Only on nights when no wedding is being held, the Sanchez House may be rented as two units (upstairs and downstairs).
4. Parking will be provided for each unit, for a total of two (2) ~~two guests,~~

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Consistent with federal standards, the public will have visual access to the façade, as the Sanchez House remains a prominent bayfront fixture for over two centuries. Thousands pass by the house's prominent location bordered by Bridge St., Marine St, and Avenida Menendez. All three of these routes are utilized by pedestrians, as well as tour trams, horse carriage rides, and other tour operations.

The easement will be granted in perpetuity to a qualified organization under IRC S. 170(c), with both a conservation purpose and written commitment to enforce the easement.

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PARKING

Parking will be provided for one vehicle in the existing garage, and off-site by sublease from the Bayfront Marin House at one (1) for each of the units and, two (2) for the owner/manager (albeit that the owner/manager is intending to be at the Bayfront Marin next door at most times), for a total of four (4) parking spaces. As stated above, the City has expanded the loading zone in front of the next door Bayfront Marin House for use by the Sanchez House and other businesses. The Sanchez House and its guests will not, however, use the loading zone for loading and unloading

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SIGNAGE

Signage will strictly comply with Code.

FENCING/SCREENING

The existing historic perimeter walls shall remain in place, consistent with the Spanish Colonial Period.

COMPLIANCE WITH S. 28-289(c):

a. FUTURE LAND USE

FLUE POLICY 1.3

The City shall maintain the following densities and intensities of land use for the Future Land Use classification indicated. These densities and intensities shall be implemented by zoning district regulations adopted in the City Code and shall apply to all new development and all redevelopment in the City. Calculations of densities and intensities of use are based on net developable land, not gross acreage. Developable land includes all land contained within the boundaries of a parcel except lands within a public right-of-way; marshlands, swamps, or other environmentally sensitive lands where local, state, or federal regulations prohibit development; and actual or man-made bodies of water such as ponds, lakes and reservoirs.

* * *

Historic Preservation

This district is included to provide primarily residential uses that will encourage the preservation and restoration of historic structures in the district. This district is also intended to provide a mix of residential uses and compatible nonresidential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and low intensive ambiance of the neighborhood, and pedestrian scale of the neighborhood.

For All Uses

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Minimum lot area of 1,750 square feet; maximum lot coverage of 70%; maximum height restriction of 35 feet.

The proposed use will meet or exceed all of the dimensional criteria and maintain design and integrity consistent with its Colonial heritage and surrounding development.

(1) NO ADVERSE EFFECT FINDING

The currently approved use allows 30-day minimum leases, together with special events with up to 45 guests. The proposed use would maintain special events, while ensuring preservation of one of the City's most significant Spanish Colonial structures, constitute a bed and breakfast consistent with surrounding and nearby uses, and would be dramatically less intense than what the City permits today for adjacent property.

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(2) COMPREHENSIVE PLAN COMPLIANCE

1. HISTORIC PRESERVATION

HP GOAL

Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, preservation, continued use and adaptive reuse of existing historic structures.

* * *

HP POLICY 1.3

The Architectural Guidelines for Historic Preservation (AGHP), as amended from time to time by the City Commission, including by reference as part of the City Code shall continue to contain the specific architectural development guidelines for all of the architectural styles represented in the City, and shall continue to be used as the standard for review for ... adaptive reuse in the local historic preservation districts

HP OBJECTIVE 3

Continue to identify, preserve, and encourage the adaptive reuse of historic structures in all areas of the City. This objective is implemented by HP Policies 1.3, 1.4, 3.8, 3.11, 3.12, A, D and E and Housing Policies 4.1 and 4.5¹. The measurable targets for this objective are: [1] conditions of the buildings listed on the Master Site File

¹ HP Policies 1.4 and 3.8 do not appear applicable. There is no HP Policy 3.11 or 3.12. Housing Policy 4.1 does not appear applicable. There is no Housing Policy 4.5.

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The building and grounds are being preserved consistent with the attached Master Site File entry for the Sanchez House.

PUD REGULATION COMPLIANCE

PUD regulation compliance with sections 28-286 through 28-292, as applicable, is set forth above, as well as throughout this analysis of 28-289(c).

(3) NEED AND JUSTIFICATION FINDING

The proposed intensity effectively preserves existing historic and neighborhood patterns by maintaining a small-scale use between two larger and more intensive uses, while preserving the historic structure itself.

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(4) SITE-SPECIFIC CONDITIONS AND MITIGATION FINDING

a. Permit a creative approach to the development of land. The proposed use preserves the key historical aspects of the Sanchez House, while maintaining an intensity that is compatible with its neighbors, but at a lesser level.

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b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements. Transportation and related impacts, are minimal.

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c. Provide for an efficient use of land. The use would remain of low intensity, while maintaining the exact same streetscape, because no external changes shall take place.

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d. Improves the appearance of the area through the preservation and enforcement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD. The use will maintain a classic Spanish colonial structure, unchanged in the exterior, and ensure that preservation through facade easement. this will ensure the historic appearance and underlying historic value are maintained.

e. Provide an environment of consistent character consistent with surrounding areas. d. is restated. The Spanish colonial structure is consistent with surrounding HP-1 uses and the desired nature and appearance of the surrounding areas.

f. Retain property values over the years. The intensification of use and façade easement are calibrated to ensure this condition is met.

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DIMENSIONAL CRITERIA

The primary purpose of this PUD is preservation of the existing, virtually pristine and unchanged Second Spanish Colonial structure. Both in its existing condition, and in the event of destruction as contemplated by s.s 28-188 and 28-289.6.4, City Code, the

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Sanchez House will maintain, and as necessary be restored or rebuilt, to its existing dimensions. The façade easement will further ensure this protection.

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Per Section 28-188, the existing, historic Spanish Colonial structures meets or exceeds the lot, yard and height requirements otherwise applicable in HP-I as follows, with limited exception as noted:

28-188 Lot, yard and height requirements for historic preservation districts 1, 2 and 3

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(a) All new buildings or structures within these historical districts shall conform to the Architectural Guidelines for Historic Preservation of the City of St. Augustine. New construction, whenever practical, should conform to old foundation lines in order that the original scale and pattern of development can be preserved.

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The exterior, and the vast majority of the historical, original Sanchez House is virtually unaltered, but for the existing garage, and covered hall behind it.

(h) The following lot, yard, and height requirements shall be applicable to new construction reflecting the Colonial period, in historic preservation in district 1 and to all new construction in historic preservation districts 2 and 3:

(1) Minimum lot requirements

a. Minimum lot

b. Minimum lot area, one thousand seven hundred fifty (1,750) square feet.

(2) Maximum lot coverage by all buildings:

a. The lesser of seventy (70) percent or seven thousand (7,000) square feet.

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b. Main structure, the lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

(3) Maximum and minimum yard requirements:

a. Front. Main building not be located on the street frontage. The main building shall not exceed the lesser of eighty (80) percent of the lot width or forty (40) feet.

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REQUESTED WAIVER: The historic main building has a street address facing Bridge Street. The historically accurate, virtually unchanged front contains a door that opens onto the right of way, and is thus blocked for access for safety reasons. The main building is, and is intended to remain facing on, with zero setbacks from, Bridge Street, to maintain its historic accuracy.

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1. Secondary buildings which connect to a main building shall be set back the lesser of forty (40) percent of total lot depth or forty (40) feet.

2. Main buildings on the same lot shall be separated by minimum of twenty (20) feet.

b. Rear. Three (3) feet minimum.

c. Side. Three (3) feet minimum, except that Spanish Colonial reproduction structures may be located on the north property line when no windows or doors are located in the north façade and there is a six-foot minimum setback on the south property line.

REQUESTED WAIVER: Waiver is requested from (3) c. because the western side of the building lies along the Marine Street right-of-way, with zero setback. Additionally, the applicant requests a waiver because the frontage is on the north, not the side, property line: for information only, a door and six windows exist on the north side.

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(4) Maximum height of structures:

a. No portion of peaked roof main buildings or structures shall exceed thirty-five (35) feet, two and one-half (2 1/2) stories. No portion of flat-roofed main buildings or structures shall exceed thirty (30) feet, two stories.

b. No portion of secondary buildings or structures and connections shall exceed fifteen (15) feet.

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STATEMENT OF RESPONSIBILITY FOR MAINTENANCE AND OWNERSHIP OF COMMON FACILITIES

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The obligation to maintain and own all common facilities shall bind the Owner, and shall run with title. The grassed area shown on the survey attached as Exhibit A and the site plan attached as Exhibit B shall be and shall remain open space in perpetuity pursuant to s. 28-291.4, City Code.

PHASING

The phasing of the PUD or PUD amendment, including all subphases: each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit.

There will be only one phase, as such, which will be the bathroom work discussed above. That will commence within one (1) year, and be completed within one (1) year of commencement. "Commencement" shall be defined as obtaining all City permits required for the work, and "completion" shall mean approval of as-builts.

TERMINATION DATE

This PUD shall terminate fifteen (15) years after adoption by the city unless otherwise extended as amended pursuant to City Code.

REVERSION

The proposed PUD is consistent with underlying future land use designation for the property.

INFRASTRUCTURE IMPACT ANALYSIS

An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city.

A public facility impact analysis that outlines the project's impact on transportation networks, circulation patterns and infrastructure of the city is attached as Exhibit _____. Other than that transportation analysis, virtually no net change will take place that should materially affect the infrastructure for the Sanchez House.

COMMUNITY FACILITIES

- a. All utility facilities proposed for dedication to St. Augustine must be acceptable to the city as to the size, shape, and location and shown by the applicants to be of benefits to the general public.

The on-site utilities are already connected to the City. If and to the extent the City so requires, on-site utilities will be dedicated to the City in compliance with applicable City Code Requirements.

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b. All requirements for off-street parking and loading shall apply to the PUD unless otherwise waived or modified.

As stated above, the PUD will provide four (4) parking space, based on a requirement of one (1) each for the guest rooms and two (2) for the owner/manager even though the owner/manager will typically be at the Bayfront Marin next door.

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c. Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.

The PUD will continue to provide adequate access and circulation for emergency and other access, including access for large vehicles.

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d. Provide for underground installation of utilities, including, telephone, power and cable television in both public and private rights-of-way. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle structures and prevent erosion and formation of dust.

The Project will provide underground utilities to the extent practicable.

e. Specifications for street design, publicly used driving and access aisles, sidewalks, and pedestrian walkways, including those providing interconnectivity between phases of the PUD or between the PUD and adjacent properties adopted by the City of St. Augustine.

The PUD's intent includes interconnectivity on the pedestrian sides, to the west and east, with the Bayfront Marin Inn to the south, and otherwise as part of the Historic District.

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f. General development patterns

N/A.

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BINDER OF APPLICANTS, OWNERS AND SUCCESSORS IN TITLE

Pursuant to s. 28-289.a.4, City Code, the Applicants and Owner voluntarily acknowledge and agree to be bound to every commitment made in this application and at hearing related to all rights, terms, conditions, and limitations of the PUD text narrative and final development plan, including but not limited to the phasing, termination and reversion clauses.

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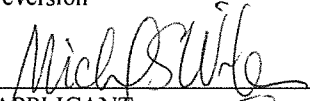
APPLICANT

OWNER

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hearing related to all rights, terms, conditions, and limitations of the PUD text narrative and final development plan, including but not limited to the phasing, termination and reversion clauses.



APPLICANT



APPLICANT

OWNER

December 27, 2018

Mr. David Harrell
City of St. Augustine
Planning and Zoning
75 King Street, Elevator "B"
St. Augustine, Florida 32084

Re: Parking

Dear Mr. Harrell:

We own Bayfront Marin House. We have leases for parking spaces at 154 Cordova St. We have authority to provide three (3) parking spaces for the use of the Sanchez House.

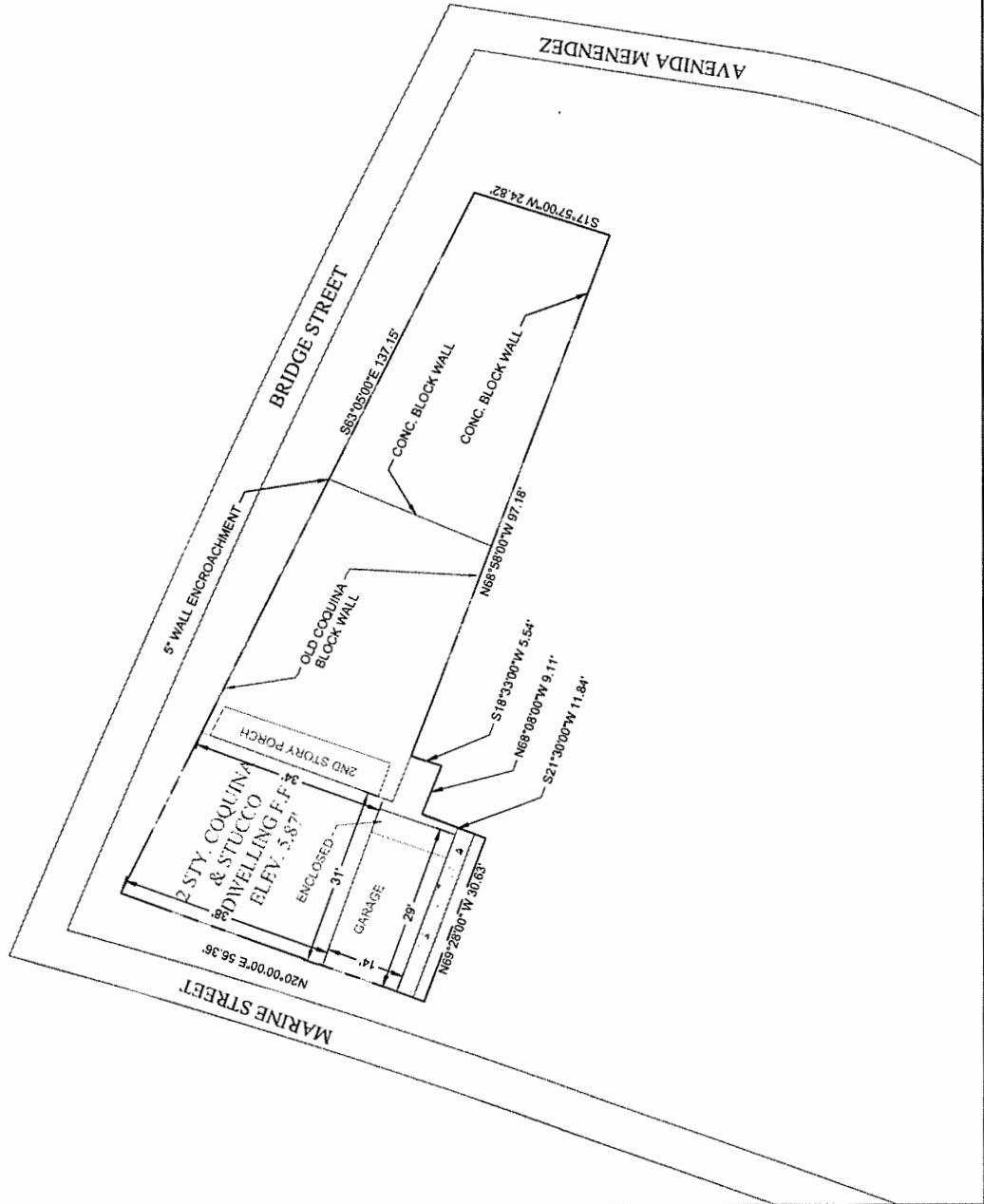
Sincerely,

/s/ Mike Wieber

Mike Wieber



SITE DATA TABLE		
TOTAL SITE	0.11 AC	4,928 SF
EXISTING BUILDING		1,704 SF
TOTAL IMPERVIOUS		1,788 SF
TOTAL PERVIOUS		3,130 SF
TOTAL IMPERVIOUS %		36%
TOTAL PERVIOUS %		64%
% BUILDING COVERAGE		35%
TOTAL FLOOR AREA		2,823 SF
FLOOR AREA RATIO (FAR)		57.3%
PARCEL NUMBER(S)		198430 0000
911 ADDRESS		7 BRIDGE STREET
FEMA PANEL NUMBER		12109C0318J
FLOOD ZONE		AE



Attachment 3

Neighborhood-Developer Meeting Information

December 27, 2018

Mr. David Harrell
City of St. Augustine
Planning and Zoning
75 King Street, Elevator "B"
St. Augustine, Florida 32084

Re: Neighborhood Meetings

Dear Mr. Harrell:

We are the applicants for 7 Bridge Street/ Sanchez House. We previously conducted a community meeting, as well as with the Old City South Neighborhood Association Board, concerning the proposed use that is currently before the City. That is, we addressed the possibilities of:

1. Preserving the Sanchez House;
2. Maximum public event capacity of 60, no later than 8 PM end;
3. Upgrading and modifying the two guestrooms and limiting that use.

We are conducting one more community meeting at the request of the Association's board prior to the Planning and Zoning Board Meeting on this application.

Sincerely,

/s/ Mike Wieber

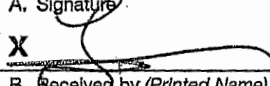
Mike Wieber

**To: NEIGHBORHOOD COUNCIL OF SAINT AUGUSTINE
52 N. ST AUGUSTINE BOULEVARD
SAINT AUGUSTINE, FLORIDA 32080**

NEIGHBORHOOD NOTICE

Project Name:	Sanchez House/7 Bridge Street Planned Unit Development
Property Owner:	Blake Deal
Applicants:	Mike and Sandy Weiber
Existing Zoning:	Historic Preservation 1 (HP-1)
Requested Zoning:	Planned Unit Development (PUD)
Project Address:	7 Bridge Street, St. Augustine, Florida 32084
Project Description:	Preservation of the Sanchez House both interior and exterior through PUD and recording of deed of preservation easement on entire exterior of building, and use for Bed & Breakfast and weddings.
Project Coordinator:	Sidney F. Ansbacher, Esq. Upchurch, Bailey and Upchurch, P.A. Post Office Drawer 3007 St. Augustine, Florida 32085-3007 Telephone: (904) 829-9066 Email: sfansbacher@ubulaw.com

Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods or defined communities and PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
☒ Complete items 1, 2, and 3. ☒ Print your name and address on the reverse so that we can return the card to you. ☒ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Agent ☐ Addressee X 	
1. Article Addressed to: Neighborhood Council of St. Augustine 52 N. St. Augustine Boulevard St. Augustine, Florida 32080		B. Received by (Printed Name) C. Date of Delivery J. F. ANSBACHER 11/17/201	
2. Article Number (Transfer from service label) 7017 1000 0000 1775 1571		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
9590 9402 3570 7305 6301 88		3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500) ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☒ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

USPS TRACKING #		First-Class Mail	
9590 9402 3570 7305 6301 88		Postage & Fees Paid USPS Permit No. G-10	
United States Postal Service		* Sender: Please print your name, address, and ZIP+4® in this box* Upchurch, Bailey and Upchurch, P.A. Attn: Sidney F. Ansbacher, Esq. Post Office Drawer 3007 St. Augustine, Florida 32085-3007	

7 Bridge St. PUD

Attachment 4

Property Appraiser Info. & Location Map



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)
[Proposed Hx](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1984300000
Location Address 7 BRIDGE ST
 SAINT AUGUSTINE 32084-0000
Neighborhood City/Bayfront Residential (612)
Tax Description* CITY OF ST AUGUSTINE PT OF LOTS 1 1-A & 2 BLK 22 24.83FT ON AVENIDA MENENDEZ OR2228/1840 & 37 33/489(TRUSTEES DEED)
 *The Description above is not to be used on legal documents.
Property Use Code Single Family (0100)
Subdivision City of St Augustine
Sec/Twp/Rng 17-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.110
Homestead N

View Map

Owner

Owner Name Deal Blake F III 100%
Mailing Address 2215 THIRD ST S STE 100
 JACKSONVILLE BEACH, FL 32250-0000

Valuation

	2018
Building Value	\$176,098
Extra Features Value	\$4,323
Total Land Value	\$292,859
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$473,280
Total Deferred	\$0
Assessed Value	\$473,280
Total Exemptions	\$0
Taxable Value	\$473,280

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$178,808	\$4,323	\$0	\$0	\$0	\$475,990	\$475,990	\$0	\$475,990
2017	\$184,226	\$4,323	\$292,859	\$0	\$0	\$481,408	\$481,408	\$0	\$481,408
2016	\$186,935	\$4,323	\$292,859	\$0	\$0	\$484,117	\$484,117	\$0	\$484,117
2015	\$192,353	\$4,323	\$245,485	\$0	\$0	\$442,161	\$442,161	\$0	\$442,161
2014	\$183,589	\$4,323	\$223,090	\$0	\$0	\$411,002	\$411,002	\$0	\$411,002
2013	\$188,688	\$4,323	\$223,090	\$0	\$0	\$416,101	\$416,101	\$0	\$416,101
2012	\$191,238	\$4,323	\$223,090	\$0	\$0	\$418,651	\$418,651	\$0	\$418,651
2011	\$193,788	\$4,323	\$248,069	\$0	\$0	\$446,180	\$446,180	\$0	\$446,180
2010	\$196,338	\$4,323	\$272,000	\$0	\$0	\$472,661	\$472,661	\$0	\$472,661

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2059	Roof Cover	Wood Shingle
Conditioned Area	2530	Interior Flooring	Hardwood
Actual Year Built	1800	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	2

Category

Type

Pct

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Wood Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	12 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
2 STORY	2418	1209
FINISHED OPEN PORCH	0	222
FINISHED OPEN PORCH	0	222
FINISHED GARAGE	0	294
MASONRY ADDITION	112	112
Total SqFt	2530	2059

Extra Features

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	724

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	25	136	4922	SF	\$292,859

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/16/2016	9/6/2016	\$0.00	MC	4257	720	U	I	DEAL BLAKE F III	DEAL BLAKE F III ETAL
5/20/2013	10/5/2012	\$0.00	TR	3733	489	U	I	ABBOTT DOREEN TRUSTEE	DEAL BLAKE F III
	6/14/2004	\$795,000.00	WD	2228	1840	Q	I	BAUMGARTNER THOMAS H,CAMILA I	DEAL BLAKE F III
	7/17/1998	\$333,000.00	WD	1334	1683	U	I	MARTIN CHARLES D JR,SHARON K	BAUMGARTNER THOMAS H,CAMILA I
	8/1/1984	\$150,000.00		652	1887	Q	I		MARTIN CHARLES D JR,SHARON K

Area Sales Report

[Recent Sales in Area](#)

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

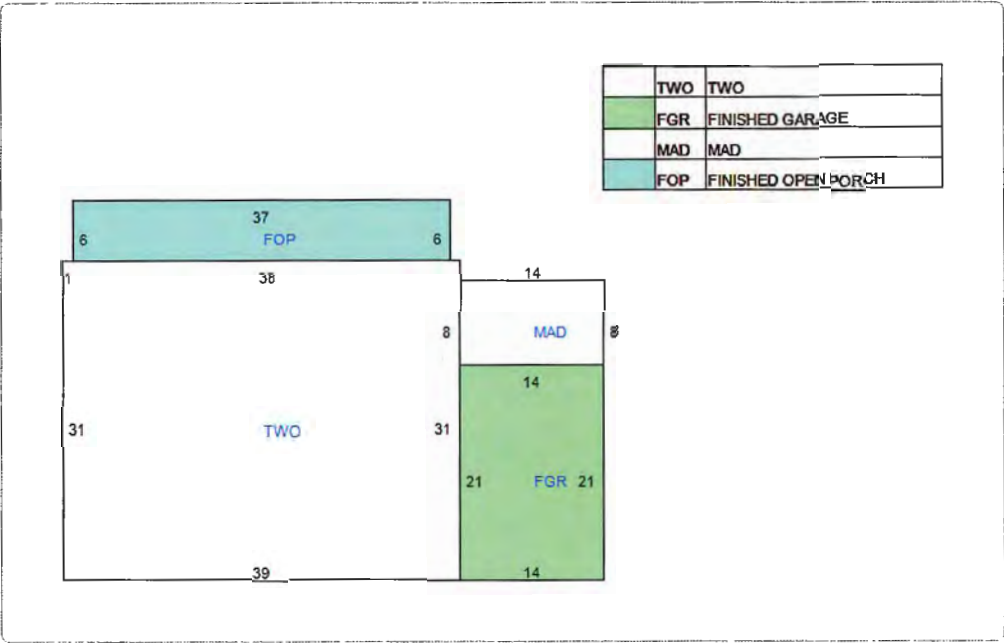
Tax Estimator

[Tax Estimator](#)

Map



Sketches



No data available for the following modules: Exemptions.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 11/6/2018, 3:26:39 PM





Overview



Legend

- Parcels
- Cities

Parcel ID 1984300000
 Property Class 0100 - Single Family
 Taxing District City of St Augustine
 Acres 0.11

Physical Address
 Mailing Address
 Address

7 BRIDGE ST
 SAINT AUGUSTINE
 DEAL BLAKE F III
 2215 THIRD ST S STE 100
 JACKSONVILLE BEACH FL
 32250-0000

Building Value	\$176,098	Last 2 Sales			
Extra Feature Value	\$4,323	Date	Price	Reason	Qual
		6/14/2004	\$795000	01	Q
Total Land Value	\$292,859	7/17/1998	\$333000	11	U
Just Value	\$473,280				
Total Deferred	N/A				
Assessed Value	\$473,280				
Total	N/A				
Exemptions					
Taxable Value	\$473,280				

Date created: 11/6/2018
 Last Data Uploaded: 11/6/2018 3:26:39 PM

Developed by  **Schneider**
 GEOSPATIAL

Google Maps 7 Bridge St



Imagery ©2018 Google, Map data ©2018 Google 100 ft



7 Bridge St
St Augustine, FL 32084

Attachment 5
Traffic Impact Analysis

Kimley»»Horn

February 28, 2018

Sidney F. Ansbacher, Esquire
Upchurch, Bailey and Upchurch, P.A.
780 North Ponce de Leon Boulevard
Mailing Address: Post Office Drawer 3007
St. Augustine, Florida 32085-3007

**RE: *Traffic Impact Assessment
Sanchez House – 7 Bridge Street
St. Augustine, Florida***

Dear Mr. Ansbacher:

At your request, Kimley-Horn has performed a Traffic Impact Assessment (TIA) for the Sanchez House historical building, located at 7 Bridge Street in St. Augustine, Florida. The Sanchez House property (the "Property" or "Project") is identified by the St. Johns County Property Appraiser as having Parcel Identification Number (PIN) 198430-0000.

Background

Kimley-Horn understands that the property owner (the "Applicant") plans to preserve the Sanchez House both inside and out through a Planned Unit Development (PUD) under Article 28, Division 8 of the City Code. The Sanchez House is currently within the Historic Preservation 1 ("HP-1") District. Within this zoning district, the Sanchez House currently may be rented to persons under a written lease and used to host weddings and similar events, provided the tenancy meets the following zoning provisions:

- The lease is for a 30-day minimum period;
- The house may be used for wedding, anniversary or similar events with the number of guests limited to 45;
- The tenant must arrange for guest parking at one of the listed nearby local parking lots, and on-street parking in the neighborhood is prohibited;
- Trash containers will not be placed in the street for pickup any further in advance than the day before trash pickup.

As part of the proposed PUD, the Applicant seeks the following changes to the tenancy requirements:

- No restriction on the number of weddings, but all weddings must be done by 8 PM. Maximum guest count of 60.
- No member of a wedding party may stay overnight at the Sanchez House, to ensure the property is clear of wedding party, guests and others associated with a wedding by 8 PM.
- Only on nights when no wedding is being held, the Sanchez House may be rented as two units (upstairs and downstairs).
- Parking will be provided for each unit, for a total of two (2) spaces.

This TIA evaluates the peak hour traffic impacts anticipated for a wedding event at the Sanchez House as this condition will result in a higher generation of peak hour trips than use of the Property as a two-unit rental, thereby representing the worst-case scenario. The following sections outline the TIA performed for the Sanchez House.

Project Trip Generation

Typically, the trip generation potential for a proposed land use is calculated using data published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 10th Edition*. However, there is no data in the *Trip Generation Manual* that is specific to a wedding venue. Therefore, the worst-case peak hour trip generation has been calculated using assumptions and engineering judgement. Since the proposed PUD restricts the Sanchez House venue to a maximum of 60 guests, the peak hour entering and exiting trip generation has been calculated for a wedding with 60 guests. It is assumed that prior to the wedding, trips will predominantly be entering, and after the wedding, trips will predominantly be exiting. Given a typical wedding's duration, the peak hours of entering and exiting trips is not expected to occur within the same peak hour. Additionally, it is anticipated that the entering (arrival) trips will likely be more concentrated than the departure trips. Therefore, it is likely that the peak hour of trip generation for the wedding will occur prior to the wedding starting time in association with the entering (arrival) trips.

An average vehicle occupancy of 2.0 was assumed. This occupancy was assumed because a high percentage of guests typically travel to weddings in a vehicle containing multiple occupants. It is also assumed that 80 percent of the wedding guests will arrive within a one-hour period prior to the start of the wedding. To consider the worst-case scenario, it has been

assumed that all wedding guests will travel to/from the wedding venue via automobile even though it is anticipated that many guests will likely stay in local area hotels, inns, or bed and breakfast establishments and will walk to the venue. Using these assumptions, a wedding with 60 guests is anticipated to generate approximately 24 inbound vehicular trips during the peak hour. The following summarizes the calculations:

$$60 \text{ guests} * 80\% \text{ peak hour arrival} / 2.0 \text{ guests per vehicle} = \underline{24 \text{ peak hour vehicles}}$$

Project Trip Assignment

It is assumed that all wedding guests will park in nearby local parking lots or in the on-street parking spaces designated along Avenida Menendez. The project trips were distributed to the surrounding roadway network based on a review of the major transportation system and associated area land uses. The proposed project trip distribution is illustrated in Figure 1 (attached). The project traffic was then assigned to the surrounding roadway network based on the project trip distribution. The project trip assignment is shown in Table 1.

Table 1: Project Trip Assignment

Roadway	From	To	Adopted Level of Service Standard	Peak Hour Two-Way MSV ¹	Project Traffic Distribution	Project Trips	Project Trips as Percentage of MSV
W King Street	Palmer Street	US 1	D	1,512	10%	2	0.13%
	US 1	Riberia Street	E	1,512	60%	14	0.93%
	Riberia Street	MLK Avenue	E	1,512	60%	14	0.93%
	MLK Avenue	Cordova Street	E	1,512	50%	12	0.79%
	Cordova Street	Avenida Menendez	E	1,512	5%	1	0.07%
US 1	SR 207	W King Street	D	3,580	20%	5	0.14%
	W King Street	W Castillo Drive	D	3,580	30%	7	0.20%
SR A1A (Bridge of Lions)	Avenida Menendez	N St. Augustine Boulevard	E	1,600	5%	1	0.06%
Riberia Street	South Street	W King Street	D	1,200	10%	2	0.17%
	W King Street	W Castillo Drive	D	1,200	10%	2	0.17%
MLK Avenue	South Street	W King Street	D	1,200	10%	2	0.17%
Granada Street	Brige Street	W King Street	D	1,580	35%	8	0.51%
Bridge Street	Riberia Street	Avenida Menendez	D	1,200	30%	7	0.58%
Cordova Street	South Street	W King Street	D	1,200	15%	4	0.33%
	W King Street	Orange Street	D	1,200	5%	1	0.08%
Avenida Menendez	South Street	W King Street	D	1,200	30%	7	0.58%
	W King Street	W Castillo Drive	E	2,280	20%	5	0.22%

¹ King Street MSV Determined as within 15.5 percent of October 1, 1991 existing volume, or 1991 vehicles. All other MSV's determined using the FDOT Quality/Level of Service Handbook

Table 1 also summarizes the adopted level of service (LOS) standard for each roadway segment, as designated in the City of St. Augustine Comprehensive Plan, and provides the

corresponding roadway's maximum service volume (MSV). The MSV for King Street was developed based on criteria contained within the Comprehensive Plan and the remaining MSVs are based on the Florida Department of Transportation's (FDOT's) Quality/LOS Handbook. As demonstrated by the table, the Project's anticipated worst-case scenario traffic impacts on the area roadways will be less than one percent of the MSV's for all the roadway segments evaluated.

Conclusion

On behalf of the Applicant, Kimley-Horn conducted a Traffic Impact Assessment (TIA) for the Sanchez House in support of the proposed PUD application. The TIA anticipates use of the Sanchez House for a wedding with 60 guests will result in the worst-case traffic scenario of the possible uses allowed for the Property. Kimley-Horn estimates that this scenario will result in the arrival of 24 peak hour vehicles to the Sanchez House area public parking facilities. Accordingly, a Project traffic distribution was developed and project trips were distributed to the area roadway network (summarized in Table 1). Table 1 demonstrates that the Project traffic is anticipated to result in less than a one percent impact to all area roadways. This indicates that the Project traffic will have a negligible impact to the area roadways. It is important to note that weddings hosted at the Sanchez House typically occur on weekends, and therefore, the worst-case Project peak hour scenario considered in this letter would typically not coincide with the traditional weekday peak hour of the area roadways. Based on the traffic analyses considered for the Project, Kimley-Horn has concluded that the Project traffic will not have a significant impact on the City's roadway network.

Please do not hesitate to contact me at (904) 828-3900 or bill.schilling@kimley-horn.com should you have any questions regarding the information contained herein.

Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

William J. Schilling Jr., P.E.
Senior Vice President

Attachments: Figure 1: Project Trip Distribution

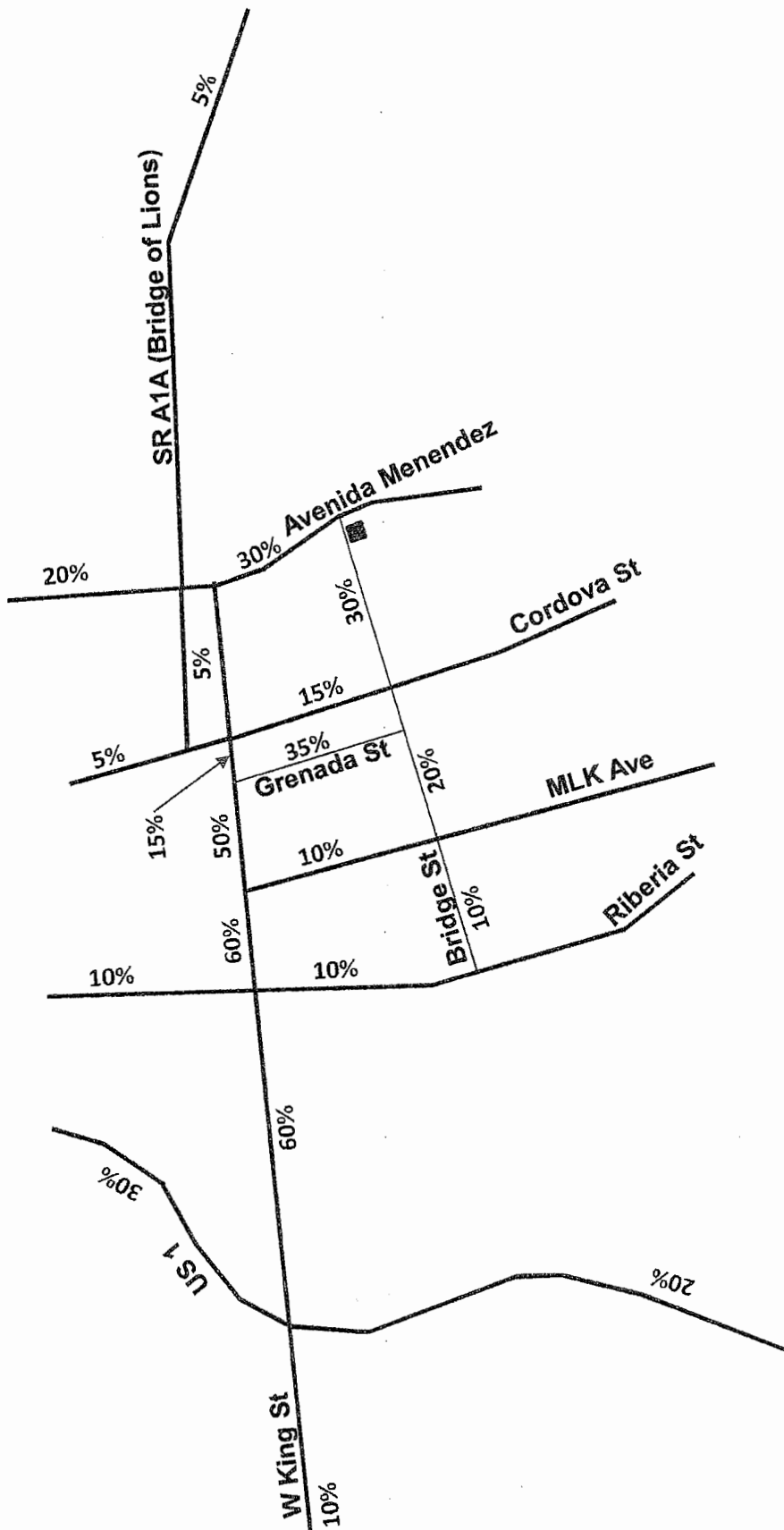
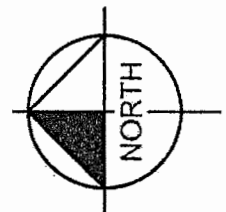


FIGURE 1
PROJECT TRIP DISTRIBUTION
SANCHEZ HOUSE
Kimley»Horn

LEGEND
 XX% PROJECT TRAFFIC DISTRIBUTION
 SANCHEZ HOUSE



Attachment 6
Neighboring PUD Ordinance 1999-36

**Planned Unit Development
Westcott House/Villas de Marin Expansion
Final Development Plan Narrative**

October 13, 1999

Revised per Planning and Zoning Board Stipulations of September 7, 1999

Submitted on behalf of:
Robert Graubard, Trustee
2676 U.S. 1 South
St. Augustine, Florida 32084

Authorized Agent for Property Owner:

Amy McClure Skinner, AICP
Ivey, Harris & Walls, Inc.
81 King Street, Suite A
St. Augustine, Florida 32084

Development Plan Narrative

Introduction

This project narrative is intended to outline and supplement required materials for rezoning property to a Planned Unit Development (PUD) by the City of St. Augustine Zoning Code. This rezoning request is filed on behalf of the property owners.

The PUD provision of the City Code is intended to encourage ingenuity, imagination and flexibility in use and design efforts. The property subject to this rezoning application consists of approximately a half acre, as described by the attached legal descriptions and surveys. The property is located on the bayfront along Avenida Menendez. Currently, the property is zoned Historic Preservation District-One (HP-1), and contains two existing businesses. One of the businesses is an existing nonconforming "bed and breakfast" with nightly rentals, and the other is an existing nonconforming business allowing weekly rentals.

The proposed PUD attempts to outline a narrative to bring these properties into conformance with the Historic Preservation land use designation. Thus, allowing for the maintenance and upgrading of the properties to further enhance the beautification of the City's bayfront.

The Westcott House is a frame vernacular structure built circa 1893. The adjacent wood frame structure on the Villas de Marin site is also frame vernacular, and was, also built around 1893. The owners of this structure, that largely made it what it is today, renovated and connected the frame vernacular front building to the colonial structure to the rear, between 1899 and 1904. As with almost everything in St. Augustine, these structures have weathered the test of time. Now, it is incumbent on the current owners to maintain, and try to improve these historic structures.

This PUD attempts to establish compatible uses in the area to ensure a positive contribution to the bayfront and the district. The prominent location and unique history of these buildings present an opportunity to, as well as, create a desire to allow the use of the property in a manner that benefits the City and the general public.

As described in this narrative and in accordance with the conditions stipulated within this application, and the subsequent enacting ordinance, this PUD request meets City zoning requirements, and is consistent with the Comprehensive Plan. Consistent with the PUD section of the City code, this application will not adversely affect the orderly development of the City of St. Augustine. The proposed PUD will not adversely impact the more residential area south of St. Francis Street. And, the use is compatible with the surrounding uses and the land use designation, and will be a benefit to the area and the residents of the City.

Intended Plan of Development

Site Characteristics

The site is developed, including two (2) large frame vernacular structures, and a smaller Second Spanish Period building on the Marine Street side of the property. The site is located toward the southern end of the area known as the "bayfront", facing the Matanzas River. The colonial structure was built facing Marine Street per the colonial town plan stipulations, however, in the 1790's the Spanish filled in the area along the River, allowing the bayfront development to take place. The property is currently zoned HP-1, which only allows rentals for a monthly or longer period of time. Although, this district is predominantly residential there are some substantial institutional uses, as well as, a mix of uses, including bed and breakfasts in this area. Additionally, from Bridge Street south to St. Francis Street there is a significant number of converted multifamily structures. Since 1911, the Villas de Marin property has been utilized as rental units. Currently, the property is only 40 feet from the boundary line where daily rentals are permitted, and, where there are several existing hotel/motel, and bed and breakfast type uses.

On the attached Rezoning Site Plan prepared by IH&W Building "A" is the existing Villas de Marin building. Building "B" is the existing Westcott House, Building "C" is an existing garage structure, Building "D" is an existing wood shed, and Building "E" is a proposed storage shed type structure.

Development Plan

The development plan proposes to operate the entire site as a bed and breakfast/daily rental establishment. This is in an effort to upgrade buildings A and B and showcase the entire site. Immediate upgrading includes improving the existing buildings, and allowing for the expansion of the dining area for building B, and the construction of enclosed porches and the relocation of several staircases for building A. Additionally, it is proposed to convert Building C into a garage apartment/honeymoon suite, construct a storage structure, and replace an existing wooden structure with a gazebo. See below for a more detailed description.

The maximum number of rental units will be limited to 30 units total for both properties with a resident manager to be maintained in each building. Only breakfast items or light fair will be served for patrons of the bed and breakfast. There will be no "restaurant" facilities or service at all on either site.

Building Configuration

The buildings will remain much as they are. However, as part of the owner's desire to upgrade the property, there are several immediate alterations contemplated. These alterations include, enclosing a portion of the existing porch and constructing an addition to improve the dining area in the Westcott House. This will expand the existing dining area, as well as, the open porch area. On the Villas de Marin property the PUD includes: converting an existing wood shed into a

gazebo; relocating two (2) existing exterior staircases; and, constructing an enclosed porch area in the middle of the Villas de Marin building fronting and along side Unit 9. It is also proposed to enclose the porch outside unit 12 to the rear of the property to expand the kitchen facility, and construct a secondary storage structure to the rear of both the properties.

Lot Coverage

The site lot coverage will not exceed 50%, however the maximum building size already exceeds 2,500 square feet, and will continue to exceed this limitation for main buildings.

HARB Purview

The property is within the Historic Preservation land use designation, requiring that development be consistent with the City's Historic Architectural Review Board (HARB) guidelines and review requirements. Any new construction or work to the exterior of the buildings will be appropriately reviewed, and any required Certificate of Appropriateness from the HARB issued. The rehabilitation of the Villas de Marin will be appropriate for its exterior elements, and include repainting the structure. It is suggested that the buildings continue to be separately distinguished to maintain the streetscape and avoid the appearance of a large scale development. Additionally, a courtyard similar to the Westcott House brick patio area will be created for the Villas de Marin patrons to enjoy. The current Westcott House will remain generally as it is today, with improved maintenance, and cosmetic repairs.

Landscaping

Existing trees will, generally remain, and landscape treatments will be greatly enhanced between the properties. Materials and features will be appropriately reviewed by HARB. Currently, the property includes a wall that encloses the property fronting Marine Street, and a low wall in front along the bayfront. These will be maintained and enhanced with better care and maintenance. A courtyard area is proposed between the buildings. This area will utilize similar materials as the existing brick area for the Westcott House. Extensive landscaping is planned. One tree to the rear of the properties may need to be removed to construct the new storage shed, however any replacement requirements will be met.

Off-Street Parking

The applicant has secured off-street parking for their patrons' vehicles. The off-street parking will be provided on a one-for-one basis for the number of rental rooms. Decreasing the number of vehicles currently impacting the neighborhood by this rezoning is a benefit to the area. This off-street parking solution can only be accomplished by the increased revenues produced from nightly rentals. Additionally, one (1) on-site parking space will be provided for the business vehicle, the appropriate location, of which, will be determined by HARB. A valet or shuttle type service to and from the off-site parking facility will be provided on weekends, including Friday evenings through Sunday.

Stormwater

Any applicable State or local stormwater requirements will be met.

Archaeological Significance

The owners will comply with any archaeological evaluation requirements, as per the rules and regulations established by the Archaeological Protection Ordinance.

Conclusion

The property owners agree to proceed with the proposed development in accordance with the PUD Ordinance, including any conditions or safeguards recommended and adopted by the City Commission of the City of St. Augustine. The applicant also agrees to comply with any stipulations, regulations or restrictions outlined by the City in the PUD Ordinance approving this application. The property owners further agree to bind all successors to the same ordinance as adopted by the City Commission. In addition, except as outlined in this application and the subsequent adoption ordinance, all building codes, zoning ordinances and other land use and development regulations of the City of St. Augustine, as may be amended from time to time, shall be applicable to this development.

As stipulated the PUD will encourage an efficient use of land, enhance the area, and create a more desirable environment for those living in the area. The applicant and all successors in title are bound by the development standards outlined in this PUD, and provide for strict regulation and maintenance of this project. To that end the applicant agrees to establish mechanisms for the maintenance of common facilities, and abide by the attached Schedule of Development.

The applicant believes the district is benefited by greatly improving the existing units aesthetically. Improving the properties, especially the Villas de Marin, would attract a different clientele, that would have only one vehicle per unit, while existing units commonly have two or more. Other benefits for the district would be increased bed tax revenues, as well as, increased use of neighborhood restaurants, shops and tourist attractions.

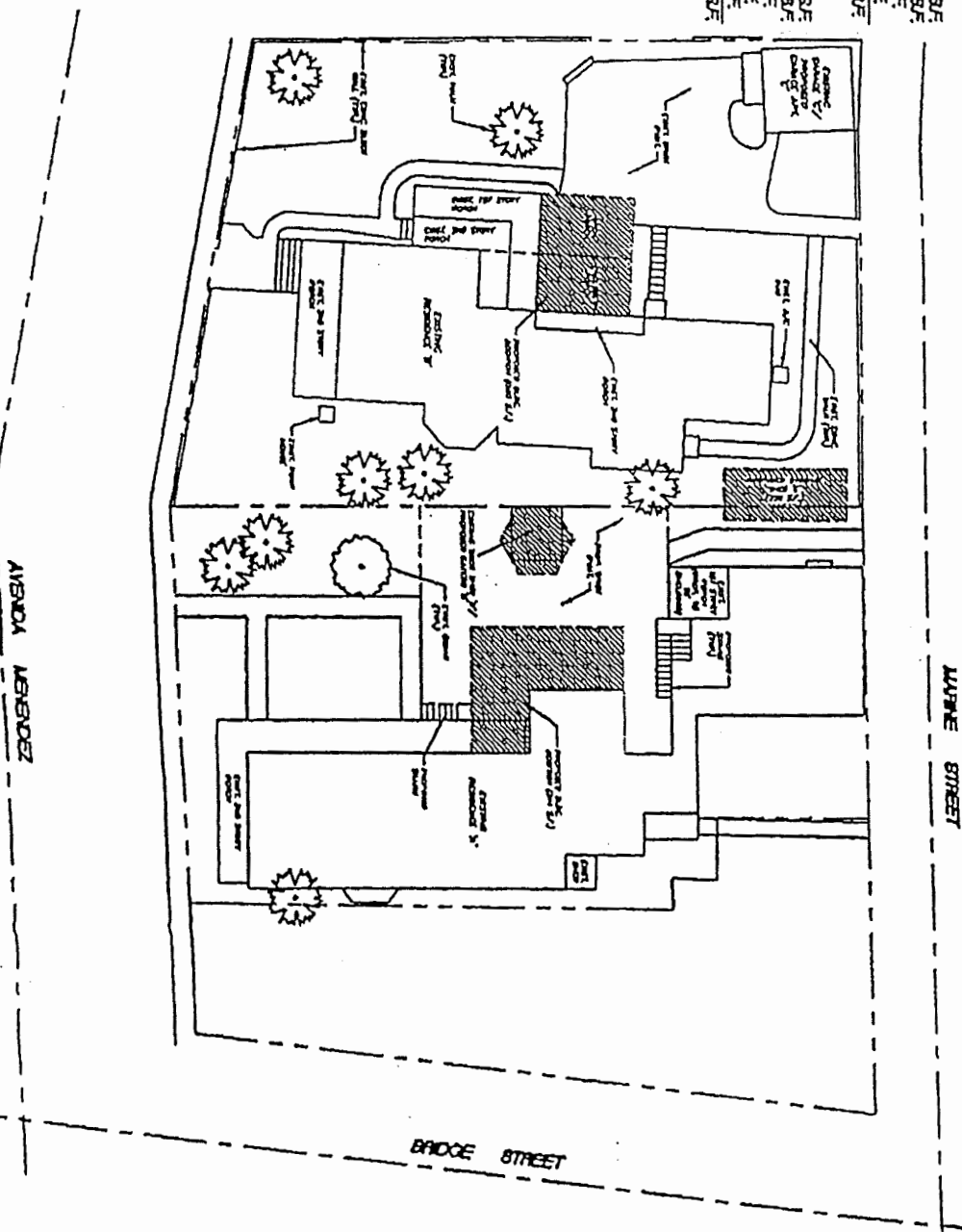
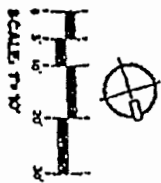
The applicant believes they have justified their application by providing for the efficient use of these two properties, which would retain property values over the years. These properties require a greater economic base than presently allowed under the standard zoning classification. The specific proposed use as a nightly bed and breakfast for both properties is requested in an effort to improve these properties, which would accomplish a more desirable environment for the neighborhood, as well as enhance the appearance of the area. This requested use is compatible with the surrounding area and will provide an environment of stable character and a creative approach to the continued use of these properties.

Note: Historical dates and references are taken from the Florida Master Site File, Historic Properties Inventory Form (See attached).

SITE DATA

Overall Site Area	4.50 AC
Existing Building Area*	
Residence A	4,023 S.F.
Residence B	3,002 S.F.
Garage C	208 S.F.
Wood Shed D	104 S.F.
Total Existing Area	7,437 S.F.
Proposed Building Area*	
Residence A	4,517 S.F.
Residence B	3,722 S.F.
Garage Apartment C	208 S.F.
Garage D	100 S.F.
Storage Shed E	250 S.F.
Total Proposed Area	8,897 S.F.
Total Existing Bldg Coverage	34%
Total Proposed Bldg Coverage	41%

* (Includes attached porches)



REZONING
SITE PLAN

Scale: 1" = 10'
Date: 10/1/01
Design: GWS
Check: GWS

Revisions

1	Initial Site Plan
2	Revised Site Plan
3	Final Site Plan

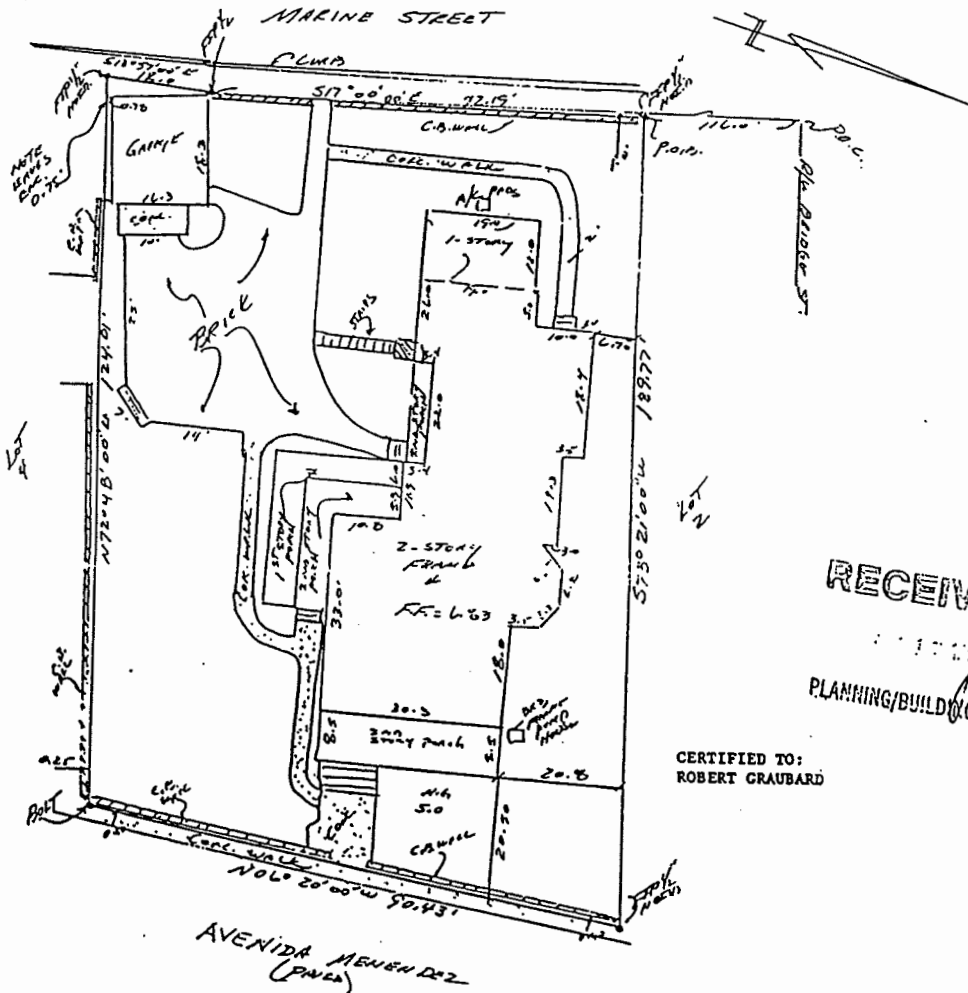
**VILLAS DE MARIN/
WESTCOTT PUD**

100% Approved Masterplan
10. Approved, Florida
Contact: Robert Grubert
Phone: 304 750-9277



MAP SHOWING SURVEY OF

Lot 3 Block 22 City of St Augustine Florida as described in Deed recorded in Deed Book 140 page 76 public records of St Johns County, Florida and being more fully described as follows: Commencing at the intersection of the East line of Marine Street with the South line of Bridge Street; thence South 17°00' East on said East line of Marine Street 116.00 feet to the Point of Beginning at the Northwest corner of the herein described Lot 3; thence continuing South 17°00' East on said East line of Marine Street 72.19 feet to an angle point in said East line of Marine Street; thence South 13°57' East on the East line of Marine Street 18.00 feet; thence North 72°48' East 124.01 feet to the West line of Bay Street; thence North 06°20' West on said West line of Bay Street 90.43 feet; thence South 73°21' West 109.77 feet to the Point of Beginning.



RECEIVED

PLANNING/BUILDING DEPT.

CERTIFIED TO:
ROBERT CRAUBARD

LEGEND:

F.I.P. - FOUND IRON PIPE/PIN
F.I.R. - FOUND IRON ROD
S.I.R. - SET IRON ROD (L.B. 6072) 5/8"
F.C.M. - FOUND CONCRETE MONUMENT
S.C.M. - SET CONCRETE MONUMENT
CONC. - CONCRETE
I.O. - SURVEYOR'S IDENTIFICATION MARK
R/W - RIGHT OF WAY
C - CENTERLINE
R - RADII
CD - CHORD DISTANCE

L - ARC LENGTH
CB - CHORD BEARING
T.B.M. - TEMPORARY BENCH MARK
B.M. - BENCH MARK
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
P.C. - POINT OF CURVE
P.T. - POINT OF TANGENCY
P.C.C. - POINT OF CONCAVE CURVATURE
P.R.C. - POINT OF REVERSE CURVATURE
P.I. - POINT OF INTERSECTION

ELEV./EL. - ELEVATION
N.C.V.D. - NATIONAL GEODETIC VERTICAL DATUM
F.F. - FINISHED FLOOR ELEVATION
O.R. - OFFICIAL RECORDS BOOK
N.T.S. - NOT TO SCALE
(U) - DEED MEASUREMENT
(M) - FIELD MEASUREMENT
(P) - PLAT MEASUREMENT
B.L.K. - BLOCK
P.R.M. - PERMANENT REFERENCE MONUMENT
P.C.P. - PERMANENT CONTROL POINT
(TYP.) - TYPICAL

NOTES:

- According to the Federal Emergency Management Agency Flood Map No. 15151-A-03 effective 11-21-75, the property described herein appears to be in Zone AS (A).
- Basis of bearing structure: WESTERN PIN AVENUE MEASURED 106°22'00" W
- Encroachments as shown herein are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- Basis of elevations: AS (A) 29
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.

JOB NO.	DATE	F.B.	PAGE	REVISIONS
09-0504	3-20-99	LL	-	
Branching				

SCALE: 1"=20'

DEVINO
& Associates, Inc.
ENGINEERS • SURVEYORS
3505 U.S. 1 SOUTH, SUITE #3
ST. AUGUSTINE, FLORIDA 32086
904-797-1867 FAX 904-797-2049

Not valid without the signature and the original record book of a Florida Licensed Surveyor and Mapper. Additions or deletions to surveying or mapping by other than the signing party or parties is prohibited without written consent of the signing party or parties.

3-25-99
Nicholas M. Franklin
NICHOLAS M. FRANKLIN
Professional Land Surveyor L.S. #4620
FOR DEVINO AND ASSOCIATES L.B. #6072



The St. Augustine Historical Society

August 4, 2003

To: Planning and Zoning Board,
City of St. Augustine

From: Taryn Rodriguez-Boette,
Executive Director

Re: Information re: Parking Lot at 271 Charlotte St.

Committed to present and interpret the history of St. Augustine and environs, to maintain a library and museums, and to discover and collect any material which may help to establish or illustrate the history of the area. Provide for the preservation of such materials and for its accessibility, as far as may be feasible. Cooperate with officials in insuring the preservation and accessibility of the records and archives of the county. Undertake the preservation of historic buildings, monuments and markers and historic sites.

The parking lot at 271 Charlotte St., owned by the St. Augustine Historical Society, is being managed by Central Parking System since February 15, 2003. This arrangement is based on a contract subject to a yearly renewal. Mr. Robert Graubard leases 10 parking places, on a monthly basis, from Central Parking System. For more information, please contact me or Mr. John Daniels, General Manager of Central Parking System, 904-358-6543.

Mailing Address:
271 Charlotte Street
St. Augustine, Florida
32084

Office: 904.824.2872
Email: oldhouse@aug.com

Library: 904.825.2333
Email: sahs@aug.com

Fax: 904.824.2569

Website:
www.oldcity.com/oldhouse

*The González-Alvarez House • Tovar House • Webb Museum of Florida History
Page L. Edwards, Jr. Gallery • Segui-Kirby Smith House • Fernández-Llambias House*



AGREEMENT

File No.: 02-21784

State of Florida, County of St. Johns

Seller(s): ROSALIE GORDON-MILLS, conveying separate non-homestead property

Buyer(s): ROBERT GRAUBARD, TRUSTEE OF THE GRAUBARD REVOCABLE TRUST DATED MAR. 31, 1999.

Loan Number:

Property Address: 255 & 261 W. KING STREET, Saint Augustine, Florida 32084

THE SELLER SHALL ALLOW THE BUYER TO RENT PARKING SPACES AT 74 BRIDGE ST., ST. AUGUSTINE, FL ON AN "AS NEEDED" BASIS, AS PARKING SPACES ARE AVAILABLE. THIS AGREEMENT WILL BE IN EFFECT FOR A PERIOD OF (6) MONTHS FROM THE TIME RENOVATIONS ARE COMPLETED AT VILLAS DE MARIN AND WESTCOTT INN. THE RENTAL RATE WILL BE ON A DAILY BASIS OF \$1.15 PER DAY PER SPACE AND WILL BE PAID MONTHLY BY THE 5TH OF EACH MONTH FOR ALL USE FOR THE PRIOR MONTH. THIS AGREEMENT WILL BE AUTOMATICALLY RENEWABLE IN (6) MONTH INCREMENTS AS LONG AS PAYMENT IS MADE ACCORDING TO THE ABOVE AGREEMENT.

NOTE: SELLER(S) AND BUYER(S)/ BORROWER(S) IS/ARE TO SIGN EXACTLY AS HIS/HER/THEIR NAMES APPEAR. NAMES SHOULD BE CONSISTENT ON ALL DOCUMENTS.

DATED effective September 03, 2002.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Jennifer F. Brown
Witness Print Name JENNIFER F. BROWN

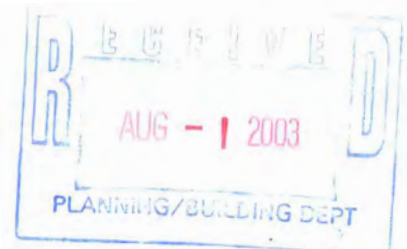
Condice A Warren
Witness Print Name CONDICE A WARREN

Marcelina V. Callueng
Witness Print Name MARCELINA V. CALLUENG

Nancy K Estévez
Witness Print Name NANCY K ESTÉVEZ

Robert Graubard
ROBERT GRAUBARD

Rosalie Gordon-Mills
ROSALIE GORDON-MILLS



MONTHLY PARKING AGREEMENT
CENTRAL PARKING SYSTEM OF FLORIDA, INC.

Central Parking System of Florida, Inc., hereby grants to:

Robert Grubard Trustee Grubard Revocable trust
Lessee's Name

146 Avenida Mcvender St Augustin FL 32084
Billing Address City State Zip

Bayfront Manhattan Bayfront Westcott House St Augustine FL 32084
Business Name and Address City State Zip

904 824-4341 Home Phone: 287-5077
Business Phone

The privilege of utilizing 10 space(s) in the Old Historical Society parking Lot. This agreement to become effective on Feb. 15 2003. The term of the Agreement to be one month, automatically renewable each month upon the timely receipt by the Operator of the prevailing fee. This Agreement may be canceled by 30 days written notice from either party. Lessee will be responsible for all rental charges incurred until cancellation date.

Lessee agrees to pay Central Parking System \$35.00 per month for each space as rental for said parking space(s) by the 1st of each month for which the space is used. Access card will be disabled upon non-payment by the 5th of the month. Central Parking System reserves the right to increase or decrease the monthly rental for said parking space(s) through 30 days written notice in advance of said change.

Charges are for parking spaces only. Central Parking System assumes no responsibility whatsoever for loss or damage of any vehicle or its contents, however caused. VEHICLES SHOULD BE LOCKED AND VALUABLES SHOULD NOT BE LEFT IN THE VEHICLE

Lessee agrees to abide by any and all regulations pertaining to the use of the facility as may from time to time be prescribed by Central Parking System, and further, agrees to park all vehicles in any area within the facility designated by Central Parking System.

No refunds, credits or allowances will be granted to Lessee for absence, vacation or other non-use of the parking facility under this Agreement.

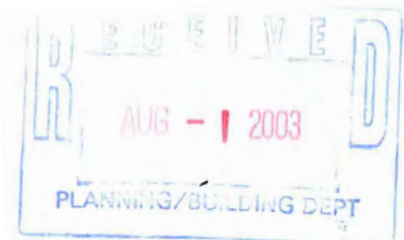
Lessee shall defend, indemnify and hold Central Parking System harmless from and against any and all actions, costs, claims, losses, expenses and/or damages sustained by Lessor attributable to the recklessness, carelessness or negligence of Lessee or any of its agents, servants, or employees from any cause, including, without limitation by specification, property damage and/or injury or death to any person or persons.

Lessee: Robert Grubard Trustee

Date: 2-20-03

CPS: Dalme

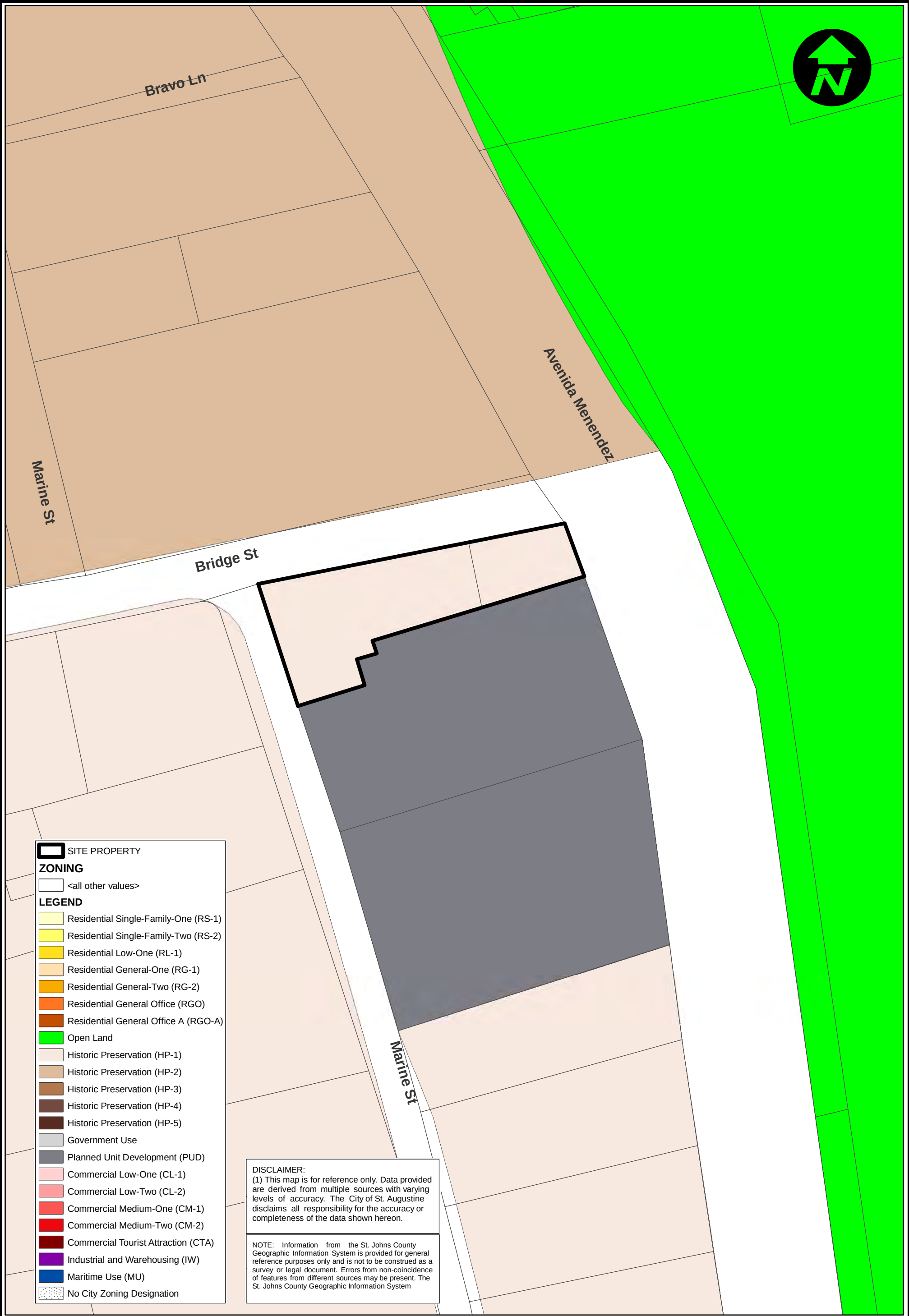
Date: 2-15-03



Attachment 7

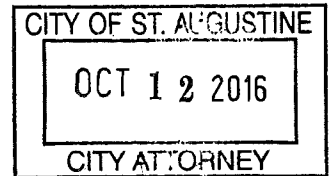
Land Use, Zoning, Aerial Maps







Attachment 8
Current Settlement Agreement



Mediated Settlement Agreement
In the Section 70.51, Florida Statutes, Proceeding
By Blake F. Deal, III, on Order Finding Violation and Imposing Fine Issued by
the Code Enforcement, Adjustment and Appeals Board, City of St. Augustine
on May 10, 2016
Appeal Case: 2016-4472

The hearing was held on this matter on August 5, 2016, after due notice to the parties, owners of contiguous property, and all substantially affected persons.

In attendance at the hearing were Blake F. Deal, III, representing himself as the petitioner; Denise May, Esq., Counsel for the City, David Birchim, Director, Planning and Building Department, and John Regan, City Manager, all on behalf of the City of St. Augustine; and substantially affected persons Jay Piriz, Marlene Piriz, Burry Gowen, B.J. Kalaidi, and Susan Rathbone.

During the mediation portion of the hearing, the parties successfully resolved their differences based on the following relevant facts;

1. Mr. Deal is the owner of The Sanchez House located at 7 Bridge Street, St. Augustine, Florida.
2. The Sanchez House is an historical building located in the Historic Preservation 1 ("HP-1") District of the City of St. Augustine.
3. The HP-1 zoning provisions applicable to the Sanchez House and this proceeding are the following:
 - Section 28-183 delineates the permitted uses of a building structure in the HP-1 District to include: "Single Family. Owner occupied or rental dwelling unit. If a rental dwelling unit, rentals on a monthly or greater period of time." (emphasis added)
 - Section 28-2 defines a "dwelling unit" as "a building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family."
 - Section 28-2 further defines "family" as "one (1) or more persons related by blood, marriage, adoption, guardianship or similar relationship, or a group not to exceed three (3) unrelated persons living together as a single housekeeping unit."

4. Mr. Deal purchased the Sanchez House in 2004, intending to use it then as a part-time residence and ultimately a full-time residence at such time as he retired from the active practice of law.
5. Approximately two years after he purchased the property, one of his employees asked if she could hold her wedding at the Sanchez House.
6. Mr. Deal contacted Mark Knight, the then Planning and Building Director for the City, to ask what requirements needed to be met for him to be able to rent the Sanchez House for his employee's wedding. Mr. Knight has stated in an affidavit that he told Mr. Deal that the City owned the Llambias House within the HP-1 zoning district and leased it to the St. Augustine Historical Society which rented it on a monthly basis to persons who were then free to hold a wedding at the house during the rental period. For that reason, Mr. Knight told Mr. Deal he believed Mr. Deal could do the same thing with the Sanchez House.¹
7. Mr. Knight also stated that he advised Mr. Deal he could seek to rezone the Sanchez House to a less restrictive use because it was located between two hotels, but Mr. Deal did not want to rezone it to a commercial category because he ultimately wanted to occupy it as a personal residence.
8. Mr. Deal also submitted the affidavit of William Harris, the City Manager of St. Augustine from 1998 to 2010. Mr. Harris stated that he understood the Llambias House required a minimum one-month rental for use of the house as a wedding venue. Accordingly, he advised Mr. Deal he also could rent the Sanchez House to persons for a 30-day period who might then use the house for a wedding during the rental period. Mr. Deal stated at the mediation that the conversation with Mr. Harris took place in 2006 at approximately the same time Mr. Deal spoke to Mr. Knight.
9. Based on what he had been told, Mr. Deal authorized his employee to hold her wedding at the Sanchez House. Following the wedding, the employee put pictures of her wedding on her Facebook page.

¹ The City disputes its alleged ownership and/or control of the Llambias House because the previous owner, Carnegie Institute, originally named the City solely as trustee in an indenture and reserved all management and control to itself and a board of trustees it appointed. The Carnegie Institute subsequently vested all management and control of the Llambias House in the St. Augustine Historical Society ("SAHS") which has operated the Llambias House since then. The indenture under which the house is operated specifically permits its use by the St. Augustine Garden Club and others. The City contends the Llambias House can be used for wedding events because it was used for such purposes before 1975 when the HP-1 zoning regulations became effective. Mr. Deal contends there is historical record evidence that the SAHS attempted unsuccessfully to establish that it had been continuously used for weddings since 1975. The City contends that it was subsequently determined that the Llambias House did qualify to be grandfathered into its use of the house for weddings, and the differences between Llambias House and the Sanchez House make the comparison between the two for this purpose irrelevant.

10. Subsequently, other persons asked Mr. Deal if they could hold a wedding or wedding reception at the Sanchez House. Based on the advice he had been given, Mr. Deal rented the Sanchez House to such persons for a 30-day term. Although the “tenants” could use the house for the full 30-day term, few, if any did, and it was generally understood the house would be used for only a few days before and after the wedding function. Mr. Deal also began advertising the Sanchez House for wedding events on the internet.
11. That process continued from 2006 to January 2012, when an anonymous complaint was filed which stated that the owner of the Sanchez House was “running a business inside city HP-1 without a business license.” The complaint was assigned to Mr. Curtis Boles, the Code Enforcement Officer. Mr. Boles contacted Mr. Deal to determine if weddings were being held at the Sanchez House and, if so, on what basis.
12. Mr. Deal referred Mr. Boles to Mr. Knight to confirm that the use of the Sanchez House for weddings was permitted so long as the rental was for a 30-day residential period.² . At the April 12, 2016, hearing described below, Mr. Boles confirmed his conversation with Mr. Deal in 2012. He also stated that after he spoke to Mr. Knight, no further action was taken on the complaint. Mr. Boles also noted on the complaint file: “Owner is operating on a daily basis and has agreed to change website. Site now showing 30-day occupancy and 12-month booking per year.”
13. Between January 2012 and December 2015, Mr. Deal rented the Sanchez House for weddings on average 4 to 6 times per year and never as much as 12 times per year. No complaints were filed by anyone during that time.
14. Mr. Deal also continued to advertise the Sanchez House on various wedding web sites and on Airbnb, a computer site for persons looking for short-term rentals. The computer listings featured pictures of weddings that had been held at the Sanchez House and clearly promoted the use of the Sanchez House for wedding functions. The advertisements also used such terms as “WEEKEND – Accommodations & Event: Includes occupancy by up to 6 guests from Thursday at noon to Sunday at noon.” However, the advertisements also stated: “We are presently limited to 12 bookings per year by local zoning codes....”
15. In November 2015, a wedding was held at the Sanchez House. Following the wedding, a complaint was filed with the Code Enforcement Department by an interested citizen and a citation was issued to Mr. Deal for “operating

² All parties at the mediation agreed that a monthly rental of a residence in the HP-1 zoning district did not require the owner/landlord to obtain a business license.

wedding-hall, chapel with exterior gardens, reception area inside Historic Preservation District (HP-1).”

16. A hearing was held on April 12, 2016, before the Code Enforcement, Adjustment and Appeals Board. At the hearing, evidence was submitted that showed weddings held at the Sanchez House and advertisements on various websites that advertised the Sanchez House for weddings using language similar to that described above, and Mr. Deal testified to the historical facts described above.
17. Following the hearing, the Board issued an Order Finding Violation on April 12, 2016, ordering Mr. Deal to cease and desist from holding weddings at the Sanchez House and notifying Mr. Deal that if he violated the Order, he would be subject to a \$250 per day fine and a possible maximum fine of \$500 per day if he violated the Order.
18. On April 16, 2016, another wedding was held at the Sanchez House, and another complaint was filed with the Code Enforcement, Adjustment and Appeals Board. Mr. Deal stated at the mediation that after the April 12, 2016 Order was entered, he immediately cancelled all future weddings and returned all deposits for those weddings except the April 16, 2016, wedding. He allowed that wedding to go forward because of the short period of time between the April 12 Order and the April 16 scheduled wedding.
19. A hearing was held on that citation on May 10, 2016. Mr. Deal was unable to attend that hearing but sent his paralegal in his stead.
20. After considering the evidence presented at the hearing, the Board closed the file on the Case No. 2016-4468, without imposing a fine, and opened a new case on the April 16, 2016 violation, Case No. 2016-4472. The Board then found Mr. Deal to have engaged in a repeat violation of the ordinance and imposed a fine of \$500 per day from April 16, 2016 to May 10, 2016, for a total fine of \$12,000.
21. Mr. Deal timely filed two requests for relief pursuant to Section 70.51, Florida Statutes, and each party filed their statements in support of their respective positions. Those statements and the record of the two hearings were the subject of the Section 70.51, Florida Statutes, proceeding on August 5, 2016.
22. At the hearing, Mr. Deal and City representatives made their respective presentations to the mediator, and each of the interested persons present was given the opportunity to be heard on the issues presented by the parties. One of the issues raised by an interested person was that Mr. Deal’s website indicated there had been wedding functions attended by more than 100 people. Mr. Deal acknowledged that was a fact on some occasions, but the

average wedding was attended by 30 – 40 guests. He also indicated he was willing to consider reasonable limits on the number of guests as part of the resolution of this matter.

Based on the presentations of the parties and interested persons, the special magistrate engaged the parties in settlement negotiations with the specific purpose of arriving at a compromise resolution that would eliminate the risks of litigation and the substantial legal expenses each party would incur if the special magistrate was forced to issue a recommended order determining whether the enforcement action was unreasonable, in whole or in part, or unfairly burdened the use of the owner's property. In the event one or both parties objected to such a recommended order, time-consuming and expensive litigation would ensue in the Circuit Court.

The principal issues that were the subject of the mediation and would potentially be the subject of litigation in the absence of a settlement were:

1. Whether Section 28-183 of the HP-1 zoning code prohibited the use of the Sanchez House for wedding events if the house is not rented for less than a 30-day period.
2. Whether the City was estopped to prohibit the use of the Sanchez house as a venue for wedding events by the advice given to Mr. Deal by Mr. Knight and Mr. Harris in 2006 and the continued use of the Sanchez House for wedding events from 2006 to 2015 without objection (other than the 2012 complaint which was closed with no action taken by the City).
3. Whether the City has engaged in selective enforcement of Section 28-183 by enforcing it as to the Sanchez House but not enforcing it as to the Llambias House.
4. Whether the Sanchez House is properly located in the HP-1 zoning district since it is located between a commercial motel to the immediate north zoned HP-2 and a multi-family commercial bed and breakfast to the immediate south that is a PUD.

Following several hours of discussion and negotiation, the parties agreed to the following terms of this settlement:

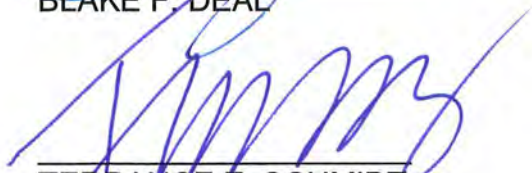
1. Mr. Deal will ensure that his website indicates that any rental of the Sanchez House must be for a period of 30 days. He shall also ensure that the website does not contain pictures showing gatherings of more than the permitted number of guests as set forth below.
2. Mr. Deal may rent the Sanchez House to persons under a written lease that contains the following provisions:

- The lease is for a 30-day minimum period;
 - The house may be used for wedding, anniversary or similar events with the number of guests limited to 35 for one year from the date of this agreement and 45 thereafter;
 - The tenant must arrange for guest parking at one of the listed nearby local parking lots, and on-street parking in the neighborhood is prohibited;
 - Trash containers will not be placed in the street for pickup any further in advance than the day before trash pickup.
3. The City will reduce the fine to \$2000 (i.e. 4 days at \$500 per day).
 4. The City will expand the existing loading zone on Avenida Menendez in front of the Bayfront Marin House for use by the Sanchez House and other businesses. Sanchez House, Mr. Deal and tenants or guest will not use Marine Street or Bridge Street for loading and unloading.
 5. Except as set forth in this agreement, the Sanchez House and Mr. Blake F. Deal, III, are subject to all federal, state, and local statutes, ordinances, rules and regulations as may be amended.
 6. This settlement is subject to approval by the St. Augustine City Commission after due notice as required by law.
 7. Counsel for the City will recommend approval of this settlement agreement to the City Commission.
 8. The mediator recommends approval of this settlement agreement to the City Commission.
 9. This agreement may be signed in counterparts transmitted to the mediator by facsimile at 9904) 398-7073 or e-mail at tes@bledsoejacobson.com.

Dated: September 30, 2016

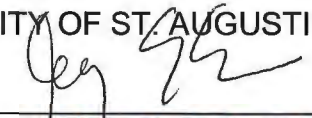


BLAKE F. DEAL

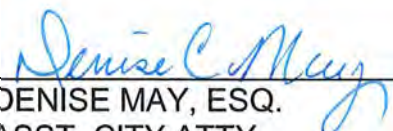


TERRANCE E. SCHMIDT
MEDIATOR

CITY OF ST. AUGUSTINE



By NANCY SHAVER
Its MAYOR-COMMISSIONER



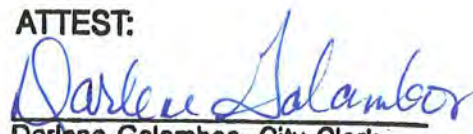
DENISE MAY, ESQ.
ASST. CITY ATTY





JOHN P. REGAN, CITY MGR.

ATTEST:



Darlene Galambos, City Clerk

Item 9a

City of St. Augustine

Memorandum

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: Proposed Updates to the City Tree Code

The city tree code is contained in several parts of Chapter 11, **Environmental Protection** and Chapter 25, **Trees and Landscaping** of the Municipal Code. The Planning and Building Department has drafted several proposed updates to sections of the city tree code. These updates have been discussed and reviewed by the Code Enforcement Adjustments and Appeals Board, the Street Tree Advisory Committee and the Planning and Zoning Board. The Planning and Zoning Board is responsible for making a recommendation to the City Commission concerning any proposed changes to the city tree code.

The proposed updates include the following;

1. Changing the tile of “Preserved” tree to “Significant” tree. The code identifies trees (by their species and size) that are subject to a higher level of regulation when a property owner wants to remove the tree. Currently, the code classifies these trees as “preserved” trees, but this nomenclature has caused confusion and a source of debate because the regulations clearly address the process to remove these particular trees. The changes to Sections 25-52, 25-58, 11-27, 11-28 and 11-29 simply change the word “preserved” with the word “significant”. Other changes include the elimination of the words “protected” and “historically significant” to describe trees, because the code does not specifically define “protected” nor does the code define “historically significant” trees.
2. Making the Planning and Zoning Board the reviewing authority for the removal of all “significant” trees. Currently, the city code requires the Code Enforcement Adjustment and Appeals Board to review the removal of “preserved” (aka “significant”) trees, while the Planning and Zoning Board is the reviewing authority for “preserved” (aka “significant”) trees if the tree removal is in conjunction with site plan review. Consolidating tree removal under the Planning and Zoning Board is proposed in this code update.
3. Creating a list of approved planting and replacement trees. A list of approved shade trees, a list of approved understory trees and a list of approved palm trees have been created. These can serve as lists of replacement tree types and species when tree mitigation is necessary and they can also act as a general guide

for tree planting in the community. One option is to have these tree lists codified in section 25-2 of the city tree code. Another option is for these lists to simply be informal guidelines. The descriptive paragraph under the title "Approved Replacement Tree Species" includes the narrative "Additional species may be allowed following review by City staff". If the Board chooses to codify these tree lists, that statement should not be included in a code amendment, to avoid ambiguity or confusion. Staff is asking for the board's direction on codification of these tree lists.

4. The other materials included in this memorandum include a hand-out to the public outlining the tree removal process and a standardized arborist report (template) that will be a guide for arborist reports in the future.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building Department

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA; AMENDING CHAPTER 11 ENVIRONMENTAL PROTECTION, SEC. 11-27 DEFINITIONS “PRESERVED tree”, SEC. 11-28(c) AND 11-28(d) ISSUANCE OF BUILDING PERMITS, SEC 11-29 STANDARDS FOR REVIEW, INCLUDING SEC. 11-29(d), SEC. 11-29(d)(1)(e), SEC. 11-29(e) and SEC. 11-29(e)(4). SEC. 25-52 DEFINITIONS “PRESERVED tree”, and SEC. 25-58 VARIANCES AND CONSERVATION OVERLAY ZONE DEVELOPMENT REVIEW, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that Section 11-27, Section 11-28(c), Section 11-28(d), Section 11-29, Section 11-29(d), Section 11-29(d)(1)(e), Section 11-29(e), Section 11-29(e)(4), Section 25-52 and Section 25-58, should be amended to reflect updates the city's tree regulations; and

WHEREAS, the City Commission of the City of St. Augustine has determined that the following regulations promote and protect the general health, safety, and welfare of the residents of the City of St. Augustine; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 11, Article II, Sections 11-27, 11-28 and 11-29.

Chapter 11, Article II, Sections 11-27, 11-28 and 11-29 are hereby amended, as follows:

Sec. 11-27. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(...)

Preserved Significant tree means a tree described in the following list:

(...)

Sec. 11-28. - Issuance of building permits.

(...)

- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy preserved-significant trees are retained on the site.
- (d) Removal of a preserved-significant tree shall be approved ~~by the board of adjustments and appeals or, if such removal requires a site plan review,~~ by the planning and zoning board. All preserved-significant trees removed shall be replaced in accordance with the requirements of chapter 25.

(...)

Sec. 11-29. - Standards for review.

(...)

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved-significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
- e. Whether the tree has been designated a ~~historic specimen,~~
preserved or protected significant tree.

(...)

- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as ~~preserved-significant~~ trees under section 11-27 unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are ~~protected or preserved-significant~~ trees and removal must be reviewed by the ~~board of adjustments and appeals~~
planning and zoning board.

Section 2. Amendment to Chapter 25, Article III, Section 25-52. Chapter 25, Article III, Section 25-52 is hereby amended, as follows:

Sec. 25-52. - Definitions.

As used in this article, unless otherwise stated, the following words shall have a meaning as indicated herein:

(...)

~~Preserved-Significant~~ tree means a tree defined as a ~~preserved-significant~~ tree in chapter 11.

(...)

Section 3. Amendment to Chapter 25, Article III, Section 25-58. Chapter 25, Article III, Section 25-58 is hereby amended, as follows:

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of ~~protected or preserved-significant~~ trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain ~~protected and preserved-significant~~ trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining ~~protected and preserved-significant~~ trees. Procedures for variances and conservation overlay zone development review shall be in accordance with chapter 28. Standards and criteria for conservation overlay zone development review shall be in accordance with chapter 11.

Section 4. The City Planning and Building Director is hereby authorized and directed to change the City of St. Augustine Municipal Code of Ordinances, Section 11-27, Section 11-28(c), Section 11-28(d), Section 11-29, Section 11-29(d), Section 11-29(d)(1)(e), Section 11-29(e), Section 11-29(e)(4), Section 25-52 and Section 25-58, for the City of St. Augustine, Florida.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. This ordinance shall be effective ten (10) days after adoption.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____
day of _____, 2019.

ATTEST:

Nancy Shaver, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)



City of St. Augustine Arboriculture Report

This report is to be completed by an ISA certified arborist to accompany a request for removal of a significant trees as defined in chapter 11 of the City of St. Augustine Development Code. The information described below does not constitute a "hazard inspection" and the inspecting Arborist is responsible for providing additional information, if necessary, regarding the condition of the subject tree(s).

ARBORIST INFORMATION

NAME OF APPLICANT _____
 ISA Certification # _____
 Business (if applicable) _____
 Address _____
 City _____ State _____ Zip Code _____
 Daytime Telephone _____ Other Phone _____
 Email Address _____

PROPERTY INFORMATION

STREET ADDRESS _____
 Legal Description: Lot _____ Block _____ Subdivision _____
 Parcel _____

SCOPE OF WORK & SITE OBSERVATIONS

Provide a short description of the work completed, reason for removal, any targets and the method(s) of inspection. Include any additional information or explanation on an attached report.

TREE INVENTORY(attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

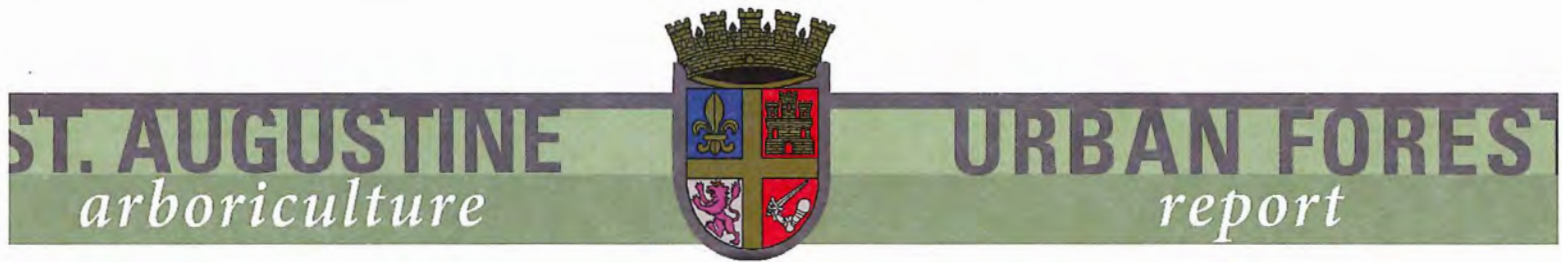
TREE CONDITION & POTENTIAL TARGETS

Provide a short description of defects, hazards or items of concern to the board. Include any additional information or explanation on an attached report.

ADDITIONAL REQUIRED MATERIALS

- Aerial photo of the subject property indicating the approximate location of the tree
- Photo(s) of the subject tree(s)

*Continue onto next sheet if applying for Significant Tree Removal **and** Building Permit*



City of St. Augustine Arboriculture Report

This below information is to be submitted in conjunction with development plans when the removal of a significant tree is associated with improvements to the property and requires the issuance of a building permit.

CANOPY COVERAGE ESTIMATE

Provide an aerial view of the property indicating (a) the location of examined trees, (b) the approximate canopy coverage pre-development and (c) the approximate amount of canopy coverage post-development. Aerial measurements can be taken from the St. Johns County GIS website; www.co-st-johns.fl.us

(attach to application)

CONSERVATION OVERLAY ZONE DEVELOPMENT CRITERIA

Provide a response to the seventeen (17) "standards for review" listed in section 11-29 of the City of St. Augustine Land Development code

(attach to application)

SITE PLAN

Provide a scaled plan of the property to be developed, showing the locations of all structures and buildings, required yards, required parking, surface drive areas, loading spaces, stacking spaces, planting areas (both bufferyards and interior), dumpsters, exterior mechanical equipment, storm drainage retention areas, and all trees three (3) inches or larger dbh., by species and dbh (both to be removed and to be retained), and any other necessary details required for review.

Indicate "significant" trees to remain by marking them in green and "significant" to be removed by marking them in red. Indicate the tree protection zone (tpz of each "significant" tree at three times the diameter of the tree. Indicate the location of all tree barricades or tree protection fencing.

(attach to application)

IMPACT ANALYSIS & TREE PRESERVATION

Describe the impact the proposed development will have on the existing trees and if any consideration or development techniques are proposed to preserve trees on the site.

(attach to application)



TREE REMOVAL IN ST. AUGUSTINE

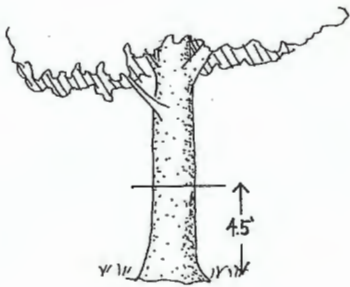
frequently asked questions

The City of St. Augustine recognizes the value of trees and their contribution to the beauty and health of community. To protect these community assets, a permit is required before removing trees of a certain size and species. **Trees removed without a permit can result in a fine of up to \$5,000 per tree.**



TREE CITY USA®

The City of St. Augustine has been recognized by the National Arbor Day Foundations as a Tree City USA since 1983



What trees require a permit to remove?

Any tree with a trunk 3" in diameter or greater when measured 4'-6" from the ground requires a tree removal permit.

Large trees of certain species are considered "significant" and require the approval of the Planning and Zoning Board. See the appendix 1 for a list of significant trees

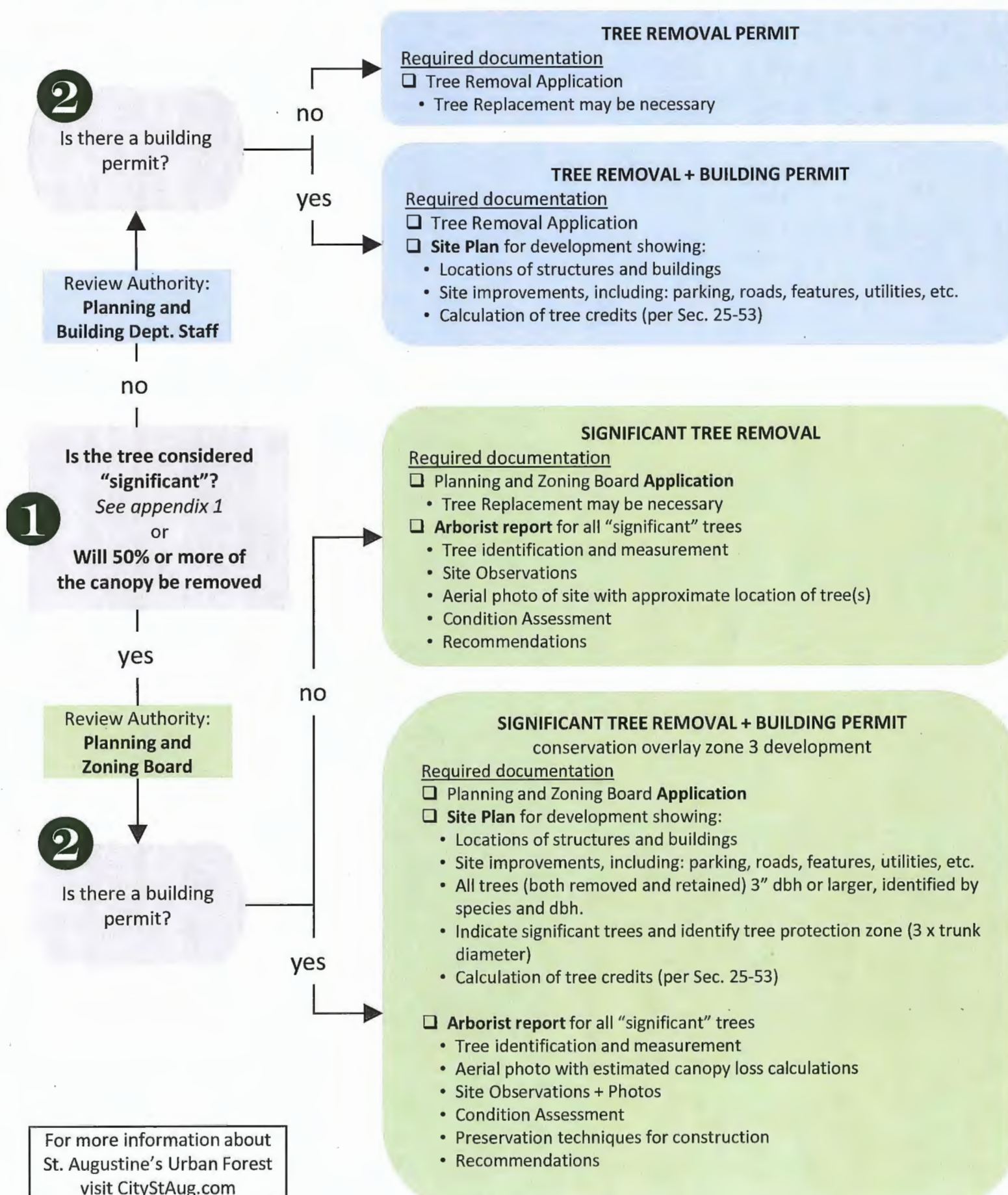
Are there Exceptions for "weed" trees or invasive species?

Yes. There is a list of invasive and exempt species that may be removed without receiving a permit. *See the appendix 2 for a complete list of these species.*

Are there fees? Do I need to plant a new tree?

"Preserved" trees (*see appendix 1*) require an application to the Planning and Zoning board where fees and advertising costs may vary. For all other trees A \$30 processing fee is submitted with the tree removal application. A new tree will need to be replanted on the same parcel of land and will need to meet the following requirements:

<u>Type of tree removed</u>	<u>Replacement Tree(s)*</u>	<u>Minimum Size</u>
Shade Tree	one (1) Shade Tree	10' height
Red Cedar	two (2) Red Cedars	per building official
Understory or Palm tree	one (1) Shade, Palm, or Understory Tree	10' height
*See appendix		



Significant Tree Species

Significant trees are described in the following list (sec. 11-27). Removal of any tree that meets the criteria of this list requires an arborist's report and review by the Planning and Zoning Board (sec. 25-56.c.2)

Scientific Name	Common Name	Min. dbh to Max. dbh
<i>Acer rubrum</i> and <i>Acer</i> spp.	maple, red or other maples	18
<i>Betula nigra</i>	birch, river	24
<i>Carya glabra</i>	hickory, pignut	18
<i>Carya illinoensis</i>	pecan	18
<i>Carya tomentosa</i>	hickory, mockernut	18
<i>Catalpa binonioides</i>	catalpa	18
<i>Celtis laevigata</i>	hackberry (sugarbberry)	15 to 36
<i>Cercis canadensis</i>	red bud	10
<i>Chionanthus virginicus</i>	fringetree	10
<i>Fraxinus</i> spp.	ash	18
<i>Gordonia lasianthus</i>	loblolly bay	10
<i>Ilex cassine</i>	holly, dahoon	10
<i>Ilex opaca</i>	holly, American	10
<i>Ilex</i> x <i>attenuate</i>	holly, "East Palatka"	10
<i>Juglans nigra</i>	walnut, black	18
<i>Juniperus silicicola</i>	red cedar, southern	8
<i>Juniperus virginiana</i>	red cedar, eastern	8
<i>Lagerstroemia indica</i>	crape myrtle - single trunk	10
<i>Liquidambar styracilua</i>	sweetgum	18
<i>Liriodendron tulipifera</i>	tulip-poplar	18
<i>Magnolia grandiflora</i>	magnolia, southern	18
<i>Magnolia grandiflora</i> var.	magnolia, southern v. "Little Gem"	10
<i>Magnolia virginiana</i>	magnolia, sweetbay	10
<i>Nyssa sylvatica</i>	blackgum, black tupelo	18
<i>Platanus occidentalis</i>	sycamore	18
<i>Prunus caroliniana</i>	cherry laurel	10
<i>Prunus serotina</i>	black cherry	18
<i>Quercus falcata</i>	oak, red (southern red oak)	18
<i>Quercus geminate</i>	oak, sand live	10
<i>Quercus hemispherica</i>	oak, laurel	15 to 36
<i>Quercus laevis</i>	oak, turkey	18
<i>Quercus laurifolia</i>	oak, laurel (swamp)	15 to 36
<i>Quercus nigra</i>	oak, water	15 to 36
<i>Quercus nuttallii</i>	oak, nuttall	18

Significant Tree Species

Significant trees are described in the following list (sec. 11-27). Removal of any tree that meets the criteria of this list requires an arborist's report and review by the Planning and Zoning Board (sec. 25-56.c.2)

Scientific Name	Common Name	Min. dbh to Max. dbh
<i>Quercus phellos</i>	oak, willow	18
<i>Quercus shumardii</i>	oak, shumard	18
<i>Quercus spp.</i>	oak, other unlisted species	18
<i>Quercus stellata</i>	oak, post	18
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Taxodium distichum</i>	cypress, bald (pond cypress)	10
<i>Ulmus alata</i>	elm, winged	10
<i>Ulmus Americana</i>	elm, American	18
<i>Ulmus parvifolia</i>	elm, drake	10

Exempt Tree Species

Exempt trees are described in the following list (sec. 25-52) and may be removed without a permit.

Scientific Name	Common Name
<i>Malus spp.</i>	apple
<i>Citrus spp.</i>	citrus
<i>Eucalyptus spp.</i>	eucalyptus
<i>Enterolobium cyclocarpum</i>	ear tree
<i>Koelreuteria paniculata</i>	golden raintree
<i>Parinsonia aculeate</i>	jerusalem thorn
<i>Cupressocypari leylandii</i>	leyland cypress
<i>Eriobotrya japonica</i>	loquat
<i>Nerium oleander</i>	oleander
<i>Bauhinia spp.</i>	orchid tree
<i>Prunus persica</i>	peach/nectarine
<i>Photinia x fraseri</i>	photinia, red tip, red top
<i>Prunus angustifolia</i>	plum
<i>Pyrus spp.</i>	pear
<i>Dispyros virginiana</i>	persimmon
<i>Coccoloba unifera</i>	sea grape
<i>Grevillea robusta</i>	silk oak
<i>Ailanthus altissima</i>	tree of heaven
<i>Myrica cerifera</i>	wax myrtle
<i>Salix Babylonica</i>	weeping willow
<i>Cornus Florida</i>	dogwood

Invasive Tree Species

Invasive trees are described in the following list (sec. 25-52) and may be removed without a permit. It is unlawful to plant any invasive species (sec. 25-53.c.9)

Scientific Name	Common Name
<i>Casuarinas spp.</i>	australian pine
<i>Bauhinia variegata</i>	orchid tree
<i>Shinus terebinthefolius</i>	brazilian pepper
<i>Cinnamomum camphora</i>	camphor tree
<i>Melia azerdach</i>	chinaberry
<i>Sapium sebiferum</i>	chinese tallow, popcorn tree
<i>Malaleuca leucadendion</i>	mallaleuca, punk tree
<i>Albizia lebbbeck</i>	woman's tongue, singer tree

Approved Replacement Tree Species

This list of tree species are approved species that may be planted as part of a landscap plan or as replacement for removed trees. Additional species may be allowed following review of City Staff.

SHADE TREES

Scientific Name	Common Name	Mature Height	Tree Shape
<i>Acer floridanum</i>	Florida sugar maple	30'	round
<i>Acer rubrum</i>	Red maple	65'	round
<i>Acer saccharum</i>	Silver maple	50'	round
<i>Betula nigra</i>	River birch	65'	round
<i>Carya glabra</i>	Pignut hickory	55'	upright
<i>Celtis laevigata</i>	Sugarberry	55'	vase
<i>Diospyros virginiana</i>	Persimmon	50'	round
<i>Gordonia lasianthumus</i>	Loblolly Bay	50'	upright
<i>Ilex x attenuata</i> 'East Palatka'	East Palatka Holly	35'	upright
<i>Ilex cassine</i>	Dahoon holly	35'	upright
<i>Ilex opaca</i>	American holly	35'	upright
<i>Juniperus silicicola</i>	Southern Red Cedar	35'	spreading
<i>Juniperus virginiana</i>	Eastern red cedar	35'	round
<i>Liquidambar styraciflua</i>	Sweetgum	80'	upright
<i>Liriodendron tulipifera</i>	Tulip tree	90'	round
<i>Magnolia grandiflora</i>	Southern magnolia	70'	pyramidal
<i>Magnolia virginiana</i>	Sweetbay	60'	round
<i>Pinus elliotii</i>	Slash Pine	85'	upright
<i>Pinus palustris</i>	Longleaf pine	70'	upright
<i>Pinus taeda</i>	Loblolly pine	85'	upright
<i>Platanus occidentalis</i>	Sycamore	100'	upright
<i>Prunus caroliniana</i>	Cherry laurel	30'	round
<i>Quercus laevis</i>	Turkey oak	50'	round
<i>Quercus michauxii</i>	Swamp chestnut oak	70'	round
<i>Quercus shumardii</i>	Shumard oak	80'	round
<i>Quercus virginiana</i>	Live oak	60'	spreading
<i>Taxodium distichum</i>	Bald cypress	60'	pyramidal
<i>Tilia caroliniana</i>	Carolina basswood	30'	round
<i>Tilia floridana</i>	Florida basswood	50'	round
<i>Ulmus alata</i>	Winged elm	50'	vase
<i>Ulmus parvifolia</i>	Lacebark Elm	40'	vase

Approved Replacement Tree Species

UNDERSTORY TREES

Scientific Name	Common Name	Mature Height	Tree Shape
<i>Cercis canadensis</i>	redbud	25'	round
<i>Chionanthus virginicus</i>	fringe tree	15'	round
<i>Citrus spp.</i>	citrus	15'	round
<i>Cornus florida</i>	flowering dogwood	20'	round
<i>Callistemon spp.</i>	Bottlebrush	15'	round
<i>Eriobotrya japonica</i>	loquat	25'	round
<i>Ilex vomitoria</i>	youpon holly	20'	round
<i>Lagerstroemia indica</i>	crape myrtle mult. varieties	30'	vase
<i>Ligustrum japonicum</i>	tree form wax privet	15'	round
<i>Magnolia ashei</i>	ashe magnolia	15'	round
<i>Magnolia grandiflora</i> 'Little Gem'	little gem magnolia	25'	pyramidal
<i>Magnolia x soulangeana</i>	saucer magnolia	20'	round
<i>Myrica cerifera</i>	wax myrtle	25'	round
<i>Olea europaea</i>	olive tree	20'	round
<i>Prunus angustifolia</i>	chickasaw plum	15'	round
<i>Vaccinium arboreum</i>	sparkleberry	20'	Round
<i>Vitex agnus-castus</i>	chaste tree	15'	Round
<i>Zanthoxylum clava-herculis</i>	hercules' club	20'	upright

PALM TREES

Scientific Name	common name	Mature Height	Tree Shape
<i>Phoenix canariensis</i>	canary island date palm	40'	palm
<i>Phoenix sylvestris</i>	wild date palm	30'	palm
<i>Sabal palmetto</i>	cabbage palmetto, sabal palm	50'	Palm
<i>Washingtonia robusta</i>	washingtonian palm	100'	palm

Item 9b

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: December 27, 2018

RE: ORDINANCE 2019-01: ANIMALS

Please find attached Ordinance 2019-01, which amends, updates, or repeals multiple sections of the City's Animal Code, Chapter 5 of the Code of Ordinances. This is another in a series of ordinance rewrites to modernize the Code of Ordinances, as directed by the City Commission.

The animal ordinance as it currently stands is an anachronism from prior to the signing of an Interlocal Agreement with St. Johns County in 2005. Since the adoption of the Interlocal Agreement, the County is responsible for administering and enforcing animal control regulations within the City of St. Augustine. The current Code still has provisions relating to the appointment of a dogcatcher, vicious animals, impounding animals, and dog and cat registration, none of which are currently relevant under the Interlocal Agreement, and will be repealed by this ordinance. Notably, since the City is formally adopting the County Animal Code in this ordinance, there will still be dangerous dog, vicious animal, and animal impoundment ordinances that cover the City, however they will not appear in the City Code, since these functions are administered by the County in accordance with the Interlocal Agreement.

The ordinance explicitly adopts the Interlocal Agreement and the County Animal Code as a part of the Code of Ordinances, while repealing many of the provisions that conflict with the County Animal Code. The ordinance leaves in place and updates some of the provisions that are not included in the County Animal Code.

This ordinance also makes four notable substantive changes to the Animal Code, three of which involve the Zoning Code. First, the ordinance allows pigs to be kept as household pets, limited to 4 per home in accordance with the zoning code. Second, the ordinance limits grazing animals and roosters to two zoning categories: Open Land (OL) and Government Use (GU). Grazing animals are currently also allowed in CL-1, while roosters are currently not limited by zoning category. Third, the ordinance removes stables as a permitted use in the CL-1 zoning category, since grazing animals will no longer be allowed in that zoning designation. The current code allows stables to the extent that the property had been used as a stable for at least two years as of December 23, 2011. There are currently no stables on CL-1 zoned land, and since the Code does not

allow new stables in CL-1, none will be allowed in that zoning category regardless of this ordinance, so while this is a substantive change to the Zoning Code, it is no longer applicable and is therefore appropriate for removal.

The fourth substantive change involves fishing in Maria Sanchez Lake. The Code currently does not allow fishing in the lake. However, state law preempts to the state the prohibition of fishing of salt water fish. A survey of marine life in Maria Sanchez Lake was recently done by an environmental sciences team from Flagler College. They found that the lake contains salt water fish. Therefore, the fishing code provision is unenforceable and appropriate for removal.

Thank you.

John M. Cary
Assistant City Attorney

/s/
Attachment

xc: Tim Burchfield, Assistant City Manager
Isabelle C. Lopez, City Attorney
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 5, ARTICLES I AND II, OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING CHAPTER 5, ARTICLE III OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY AND PENALTIES; PROVIDING PROHIBITIONS ON CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR KEEPING ANIMALS; ALLOWING PIGS WITHIN THE CITY AS HOUSEHOLD PETS; PROVIDING MINOR AND TECHNICAL CHANGES TO THE ANIMAL CODE; REPEALING PROVISIONS THAT CONFLICT WITH AN INTERLOCAL AGREEMENT; REPEALING THE DOG AND CAT PET REGISTRATION PROGRAMS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING SECTION 5-139 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO REMOVE A PROVISION PROHIBITING FISHING IN MARIA SANCHEZ LAKE; AMENDING SECTION 28-206 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE STABLES AS A PERMITTED USE IN ZONING CATEGORY CL-1; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine historically had animal control functions within the city administration; and

WHEREAS, Section 163.02, Florida Statutes, authorizes local governments to enter into Interlocal Agreements with one another; and

WHEREAS, the City of St. Augustine passed Ordinance 2005-31 to approve an Interlocal Agreement with St. Johns County to authorize St. Johns County to administer

and enforce animal control regulations, including vicious and dangerous dogs and other animals; and

WHEREAS, the City of St. Augustine no longer has staff to administer animal control functions, nor privately contracts for these services; and

WHEREAS, having no animal control staff, the City of St. Augustine does not have the ability or resources to catch and impound animals, or otherwise administer traditional “dogcatcher” or other animal control functions; and

WHEREAS, a 2005 Interlocal Agreement with St. Johns County authorizes the County to provide animal control services to the City in a manner that is reasonably equivalent to the animal services provided throughout the unincorporated County; and

WHEREAS, the St. Johns County Division of Animal Control enforces the St. Johns County Animal Code within the corporate limits of the City of St. Augustine; and

WHEREAS, some provisions of the Code of the City of St. Augustine may overlap with or conflict with the St. Johns County Animal Code; and

WHEREAS, the City Commission is conforming the intent of the 2005 Interlocal Agreement by repealing overlapping or conflicting Code provisions; and

WHEREAS, the City Commission specifically incorporates by reference both the 2005 Interlocal Agreement and the St. Johns County Animal Code, as amended from time to time, to the extent described herein; and

WHEREAS, the City of St. Augustine currently requires dogs and cats to be registered with the Department of Financial Services; and

WHEREAS, last year, only 17 dogs and cats were registered with the Department of Financial Services; and

WHEREAS, the City of St. Augustine does not have the staff to enforce a dog and cat registration scheme; and

WHEREAS, the City of St. Augustine finds that a dog and cat registration scheme is unnecessary and unworkable to enforce without animal services personnel on staff, which services have been provided by St. Johns County Animal Control since the 2005 Interlocal Agreement; and

WHEREAS, § 379.2412, Florida Statutes, preempt local regulations that regulate the taking or possession of saltwater fish; and

WHEREAS, a Flagler College survey of fish species in the Maria Sanchez Lake found that the lake contains mostly saltwater species; and

WHEREAS, the City of St. Augustine is committed to following and enforcing any and all mandated federal and state animal laws; and

WHEREAS, the City of St. Augustine recognizes that the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA), and any other relevant federal laws, may have regulations relating to animals; and

WHEREAS, the City of St. Augustine intends for this Ordinance to be interpreted in harmony with, and not conflict with federal, state, or county regulations; and

WHEREAS, the City Commission of the City of St. Augustine has determined that the following regulations promote and protect the general health, safety, and welfare of the residents of the City of St. Augustine; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 5, Article I, Section 5-1. Chapter 5, Article I, Section 5-1 is hereby amended, as follows:

ARTICLE I. - IN GENERAL

Sec. 5-1. - Applicability; Penalties ~~Penalty for violation of certain provisions.~~

- (a) This chapter is intended to be interpreted and enforced by the City of St. Augustine and St. Johns County, jointly, in accordance with an Interlocal Agreement approved by the St. Johns County Board of Commissioners, and signed by the Clerk of the Board of County Commissioners on October 10, 2005, and approved by the City of St. Augustine through Ordinance 2005-31, hereinafter referred to as the "Interlocal Agreement". Any subsequent modifications, revisions, or alterations, to this Interlocal Agreement or any successor Interlocal Agreements that are specifically designated to succeed the Interlocal Agreement referenced herein shall be incorporated by reference. It is the intent of the City of St. Augustine that St. Johns County has jurisdiction within the city limits of the City of St. Augustine to enforce both this Chapter and the St. Johns County Animal Code, as adopted through St. Johns County Ordinance 2017-36, hereinafter referred to as the "County Animal Code," and any subsequent revisions. It is the intent of the City of St. Augustine to read this chapter in harmony with the provisions of the County Animal Code, and where possible to reconcile the provisions of both codes to avoid a conflict of law. In the event that the provisions of this chapter clearly conflict with the County Animal Code, the County Administrator, through the Operations Manager of the St. Johns County Division of Animal Control, or any lawfully appointed enforcement officer, shall elect which provision to enforce, and shall clearly so state which provision is being enforced on the face of the citation or other legal or administrative document. Likewise, nothing herein is intended to override or otherwise regulate any requirements mandated by the state or federal government, including, but not limited to, the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). Nothing herein shall be interpreted as to prevent law enforcement officers with jurisdiction within the City of St. Augustine from exercising lawful authority to enforce any provisions of this chapter, consistent with the Interlocal Agreement.
- (b) Violations of ~~sections 5-15 and 5-16 and violations of articles II and III of,~~ this chapter, unless another penalty is specifically provided within a section, are hereby declared to be civil infractions for which

there may be imposed by the county court a maximum penalty not to exceed five hundred dollars (\$500.00). In the event that an individual cited for violation of such sections shall not contest the citation, the penalty shall be twenty dollars (\$20.00) for each offense. However, if the County enforcement officer elects to enforce the County Animal Code rather than this Code, as provided for in subsection (a), the penalty shall be as designated in the County Animal Code. Nothing herein shall prevent the City Manager or his or her designee from initiating Code Enforcement proceedings for a violation of this chapter, in accordance with Chapter 2, Article VI of the Code of the City of St. Augustine.

Section 2. Repeal of Chapter 5, Article I, Sections 5-2, 5-3, and 5-4. Chapter 5, Article I, Sections 5-2, 5-3, and 5-4 are hereby repealed, as follows:

Sec. 5-2. -- Animal control officer; appointment; authority.

~~The city manager shall, from time to time, appoint an animal control officer who shall have authority to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this chapter. The animal control officer is not authorized to bear arms or make arrests.~~

Sec. 5-3. -- Appointment of dogcatchers; duties and compensation.

~~The St. Augustine Humane Society, Inc., a nonprofit corporation, is hereby designated as the official agency of the city to perform and enforce the provisions of this chapter pertaining to dogs and cats, with the assistance of the city police department.~~

Sec. 5-4. -- Citations.

~~(a) The animal control officer appointed by the city manager shall have authority to issue a citation indicating that the officer has probable cause to believe that a person has committed a civil infraction as defined in this chapter and that the county court may hear the charge.~~

~~(b) The citation shall contain:~~

- ~~(1) The date and time of issuance.~~
- ~~(2) The name and address of the person.~~
- ~~(3) The date and time the civil infraction was committed.~~
- ~~(4) The facts constituting probable cause.~~

- ~~(5) The ordinance violated.~~
- ~~(6) The name and authority of the officer.~~
- ~~(7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.~~
- ~~(8) The applicable civil penalty if the person elects to contest the citation.~~
- ~~(9) The applicable civil penalty if the person elects not to contest the citation.~~
- ~~(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.~~

Section 3. Amendment to Chapter 5, Article I, Sections 5-5, 5-6, and 5-7. Chapter 5, Article I, Sections 5-5, 5-6, and 5-7 are hereby amended, as follows:

Sec. 5-5. - Disposal of dead animals generally.

It shall be the duty of every owner, or agent of any owner, of any ~~cattle, horses, dogs, cats, hogs, goats or any other animals which are animal~~ found dying or dead within the corporate limits of the city, to ~~forthwith~~ remove and bury, or otherwise satisfactorily dispose of such animal in a sanitary manner, ~~at some place approved by the county health department.~~ Where the owner or agent of the owner of such dead animal is not known, then it shall be the duty of the person upon whose property such animal was found dead, to remove and bury such dead animal ~~as above provided for in a sanitary manner.~~

Sec. 5-6. - Throwing dead animals over seawall.

It shall be unlawful for any person to throw any dead animal over the seawall or into the basins in the rear of the seawall, or into any other body of water within the City. This provision is not intended to prohibit customary fishing activities, if otherwise done in compliance with all city, state, and federal regulations.

Sec. 5-7. - Riding animals inside city limits.

- (a) It shall be unlawful for any person owning or having the care, custody, or control of any animal to ride such animal within the corporate limits of the city, except as otherwise allowed by state law. follows:

- ~~(1) Animals may be ridden on or upon the portions of any public streets, roads or alleys improved and maintained by the city.~~
- ~~(2) Riders shall keep their mounts under control and at a walk when moving along or on public streets, roads or alleys in the city as herein permitted. It shall be unlawful to run or gallop an animal on or along the public streets, roads or alleys except when necessary to avoid danger.~~
- ~~(3) Any group of riders consisting of two (2) or more when riding together shall keep their mounts in single file on the same side of any street, road or alley along which they may be riding as herein permitted.~~
- ~~(4) Any person riding an animal during hours of darkness or under any circumstances when visibility is restricted shall wear sufficient items of light colored clothing or reflective arm bands, belts or other devices so as to be distinguishable to motorists. In addition, any person riding an animal during hours of darkness shall carry a light for the purpose of warning approaching traffic.~~
- ~~(5) It shall be unlawful for any person under eighteen (18) years of age to ride an animal more than one (1) hour prior to sunrise or more than one (1) hour after sunset, except when accompanied by an adult or when going to or returning from a chaperoned ride and after notice to the police department of the city.~~
- ~~(6) Riders shall select and follow the least congested routes when riding in the city.~~
- ~~(7) Animals may be ridden on private property with the permission of the owner or occupant of the property.~~
- ~~(b) Motorists, when approaching and passing mounted riders shall reduce the speed of their vehicles to a safe speed commensurate with prevailing traffic conditions and shall proceed with caution as in the case of other special hazards. Motorists entering intersections in close proximity to mounted riders in addition to observing applicable traffic regulations, shall proceed slowly and with caution.~~
- ~~(c) It shall be unlawful for any person to create any unnecessary loud or disturbing noise or noises including the sounding of automobile horns in close proximity to any mounted riders or to throw any material or debris or to strike or otherwise cause any unnecessary disturbance or to do any act intended or reasonably calculated to frighten any animal being ridden on or along any street, road or alley in the city.~~

~~(d) (b)~~ Subsection (a) Subsections (a) through (c) above shall not pertain apply to riders of animals engaged or participating in pageants, processions, festivals or parades for which a permit has been issued by the city, permitted animal-drawn vehicles or animals being ridden as part of a permitted parade, though such uses may be limited by other provisions of the Code of the City of St. Augustine or applicable franchise agreements.

~~(e) (c)~~ Whoever is convicted of a violation of the provisions of this section shall be punished as provided in section 1-8.

Section 4. Repeal of Chapter 5, Article I, Section 5-8. Chapter 5, Article I, Section 5-8 is hereby repealed, as follows:

Sec. 5-8. -- Vicious animals.

- ~~(a)~~ Except as authorized in this section it shall be unlawful for any person to possess or have in his possession and care any vicious animal, within the corporate limits of the city; provided, however, that any vicious or dangerous animal may be possessed and cared for by any individual of the city if the owner, in possessing and caring for same, shall confine such vicious or dangerous animal within a cage or enclosure, so that it cannot escape from the same and injure or damage human life, animal life or property in the public streets and places in the city or upon the private property of citizens of the city.
- ~~(b)~~ It shall be unlawful for any person to permit any vicious or dangerous animal to run at large upon the public streets, places or highways, upon the private property of citizens within the corporate limits of the city, unless such animal is accompanied by its owner and has around its neck a strong and secure collar, and unless such collar has connected with it a strong and substantial chain, a part of which chain shall be held firmly and securely in the hand of the owner or the person having such vicious or dangerous animal in charge.
- ~~(c)~~ It shall be unlawful for any person, within the corporate limits of the city, to have in his possession or care any animal which is either vicious or dangerous, unless such person complies with the provisions of subsections (a) and (b) above. In the event that any such vicious or dangerous animal shall bite or injure the person or property of another within the corporate limits of the city, the owner of such animal, or the person within whose enclosure such animal is kept, shall upon conviction be punished as provided in section 1-8 of this Code.

Section 5. Amendment to Chapter 5, Article I, Sections 5-9 through 5-15. Chapter 5, Article I, Sections 5-9 through 5-15 are hereby amended, as follows:

Sec. 5-9. - Fowl – Running at large prohibited.

It shall be unlawful for any person, within the corporate limits of the city, to allow or permit any chickens, geese, turkeys, ducks or other live domestic fowls owned by ~~him or her~~^{him} to stray or to roam upon the public streets or upon private property of any person within the corporate limits of the city.

Sec. 5-10. - Same – To be kept in enclosure.

It shall be the duty of each and every person to keep all chickens, geese, turkeys, ducks and other domestic fowls in an enclosure to be built with such suitable materials as to keep such fowls in the enclosure, such enclosure shall only be situated upon private property. The animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors. It shall be unlawful for any person, within the corporate limits of the city, to keep roosters, except on property located within the OL and GU zoning districts.

Sec. 5-11. - Keeping livestock.

- (a) No person shall keep any horse, mule, donkey, cow, goat or other grazing animal within the corporate limits of the city except on property located within the ~~CL-1~~, OL and GU zoning districts. Within such districts, the animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors, as provided in subsection (b) below. ~~Nothing herein shall be interpreted to prevent the use of the animals described herein for transportation on the streets and rights-of-way of the city, in conformance with any applicable state or local law or regulation.~~

(...)

Sec. 5-12. - Keeping hogs prohibited.

It shall be unlawful for any person to keep or possess any hog or pig within the corporate limits of the city. Notwithstanding the foregoing, pigs may be kept as household pets to the extent allowed in section 28-348 of the Code of the City of St. Augustine, provided that they are kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free

from any accumulation of manure and from offensive and unhealthy odors. For the purpose of this section, a hog shall be defined as a swine weighing more than 120 pounds. A pig shall be defined as a swine weighing 120 pounds or less.

Sec. 5-13. - Driving animals through streets.

No person shall drive or conduct through or upon any street or highway of the city any horse, mule, hog, cow, bull or ox equine, cattle, swine, or any other similar livestock, except as otherwise allowed by the Florida Uniform Traffic Control Law. except such as are secured and kept under the control of the person in charge thereof by means of a halter, rope or otherwise, or unless special permission in writing shall have been given by the city manager. Such permission in writing must be given by the city manager to any person applying therefor who shall, upon application, produce satisfactory proof that such animals are in the charge of a number of men sufficient to prevent any of them doing any mischief during such passage through and along the streets; in such written permission the city manager shall also provide certain hours during which such animals may be driven or conducted along the streets as in his opinion shall be least likely to result in harm to persons and property upon such streets.

Sec. 5-14. - Protection of squirrels.

It shall be unlawful for any person to shoot, maim, or trap, kill, or molest any squirrels within the corporate limits of the city.

Sec. 5-15. - Birds.

It shall be unlawful for any person to shoot injure, maim molest, or destroy any wild bird, or the nest or eggs of such bird, upon any private or public property within the corporate limits of the city.

Section 6. Repeal of Chapter 5, Article I, Sections 5-16 through 5-20. Chapter 5, Article I, Sections 5-16 through 5-20 are hereby repealed, as follows:

Sec. 5-16. — Impounding animals running at large.

If any person owning or having charge of any horse, mule, ass, goat, bull, steer, cow or other cattle shall allow the same to go at large at any time within the corporate limits of the city, the same shall be taken up and impounded by the city dogcatchers, the chief of police, or any police or patrolman of the city, or the same may be taken up and impounded by any person.

~~Sec. 5-17. -- Notice to owner or agent of impounding.~~

~~After any animal is impounded, under the provisions of the preceding section, the chief of police of the city shall, without unnecessary delay, notify the owner of such animal, if known, or the agent of such owner if the owner is absent from the city. In the event of the absence of the owner or agent, the chief of police shall notify the person in possession of such animal or having charge of such animal. This notice must be personal, and in the event that the owner or agent of any such animal impounded is unknown, the chief of police shall post not less than three (3) notices, one (1) of which shall be in front of city hall, one (1) at the particular city pound at which the animal is confined, and another notice placed in front of or near the post office or on a bulletin board in the post office of the city, all of which three (3) notices shall describe the animal impounded, and shall require the owner thereof to appear within the next three (3) days to redeem the same.~~

~~Sec. 5-18. -- Redemption of animal impounded; fees.~~

~~Whenever the owner of any animal impounded under the provisions of section 5-17 shall apply to the dogcatchers or the chief of police for the release of same, and shall give satisfactory evidence of ownership to either of such officers, the same shall be released upon payment of the following fees:~~

~~(1) For the impoundment of:~~

~~a. Any bull, each _____ \$10.00~~

~~b. Any cow or steer, yearling or calf, each _____ 7.50~~

~~c. Any goat, sheep, horse, ass, mule, each _____ 3.00~~

~~d. Any shoat, pig, each _____ 1.00~~

~~(2) For the feeding of any such animal, per head, per feeding _____ 1.00~~

~~(3) For the sale of each animal _____ 1.00~~

~~(4) For the advertising of each animal, the actual cost thereof.~~

~~Sec. 5-19. -- Authority of chief of police to purchase for city and sell at private sale.~~

~~If no bids for impounded animals are offered at the sale, provided for in the preceding section, it shall be the duty of the chief of police of the city to bid on such animal for the city. This authority is given to protect the city for its costs in impounding, feeding, advertising and selling each animal so impounded. It shall be the duty of the chief of police of the city, after having bid in or purchased such animal not bid for by anyone else, to sell it at private sale to the private person making the highest and best bid for~~

~~such animal. The chief of police, however, must tender for sale such animal to at least three (3) responsible persons of the city. No city official or employee shall be permitted to purchase or buy such animal either publicly or privately under this section.~~

~~Sec. 5-20. -- Disposition of proceeds; refund to owner.~~

~~If the owner of any animal sold under the provisions of section 5-19 shall give satisfactory proof of ownership of such animal within twelve (12) months after the private or public sale as set forth in section 5-19, the net proceeds of such sale, after paying all fees and expenses, shall be paid to the owner. Otherwise, it shall become the property of the city.~~

Section 7. Amendment to Chapter 5, Article II, Sections 5-46 through 5-50.

Chapter 5, Article II, Sections 5-46 through 5-50 are hereby amended, as follows:

ARTICLE II. – DOGS

~~DIVISION 1. -- GENERALLY~~

Sec. 5-46. - Definition.

For the purposes of this article, the term "run at large" means being at ~~large~~ on public property or trespassing on private property and not having ~~a collar or license tag, and not in under~~ the direct control of any person either by leash, cord, chain, or other like restraint ~~maintained by an individual not attached to an object.~~

Sec. 5-47. - Running at large prohibited.

It shall be unlawful for any person who ~~shall own or be owns or is~~ in control of, or ~~be is otherwise~~ in charge of, any dog to permit allow such dog to run at large within the corporate limits of the city.

Sec. 5-48. - Interfering with or hindering officers in enforcement of article.

No person shall in any manner interfere with, prevent, or hinder any law enforcement officer with jurisdiction within the City of St. Augustine or County enforcement officer ~~person herein mentioned~~ in the performance of any duty ~~relating to required by~~ this article ~~relating to dogs~~.

Sec. 5-49. - Barking, biting and howling dogs.

No person shall own or keep in the corporate limits of the city any dog which becomes a nuisance by barking, biting, howling, or in any other

manner disturbing the quiet of any neighborhood. For the purpose of this section, a dog disturbs the quiet of the neighborhood if it behaves as defined by the "barking dog" definition provided in section 11-89(e) of the Code of the City of St. Augustine.

Sec. 5-50. - Defecation by dog.

- (a) An owner or handler shall promptly remove and sanitarly dispose of feces left on public property by a dog being handled by the person. Failure to do so is a violation.
- (b) No dog shall be permitted or allowed to defecate upon any private property without permission of the property owner. It is a violation of this chapter for the owner of a dog, or someone who is in control of, or otherwise in charge of a dog, to permit or allow the dog to defecate upon any private property without permission of the property owner.
- (c) The penalty for each violation shall be consistent with section 5-1, Code of the City of St. Augustine.

Section 8. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-61 through 5-67 are hereby repealed, as follows:

DIVISION 2. — IMPOUNDMENT

Sec. 5-61. — Dogs running at large.

It shall be the duty of the St. Augustine Humane Society, Inc., and other persons authorized or appointed to catch dogs, to catch, take and impound in a shelter provided by the St. Augustine Humane Society, Inc., any dog found running at large within the city.

Sec. 5-62. — Biting dogs and bitten animals; duty of owner.

If any dog shall bite any person or animal in the city, it shall be the duty of the person owning, possessing, keeping or harboring such dog or the animal bitten to forthwith surrender such dog, or the animal bitten, to the St. Augustine Humane Society, Inc., or a licensed veterinarian and such dog or other animal so bitten shall be impounded for a period of time designated by the county public health department, at the sole expense of the owner of the animal.

Sec. 5-63. — Authority to destroy certain dogs running at large.

~~If any dog running at large cannot safely be taken up or impounded, it may be destroyed by the chief of police or other member of the police department authorized to do so by the chief of police.~~

~~Sec. 5-64. -- Shelter to be provided by humane society; requirements as to construction and maintenance.~~

~~The place wherein dogs are to be impounded shall be provided for by the St. Augustine Humane Society, Inc., and it shall be under its supervision and control. Such shelter shall be constructed so as to afford plenty of fresh air to impounded dogs in the summer and constructed so as to make such pound warm in winter. It shall be provided with fresh running water for the dogs. It shall be kept at all times in a clean condition, and dogs shall be properly fed and given care and protection at all times while impounded.~~

~~Sec. 5-65. -- Redemption; impounding fee.~~

~~In order to redeem any dog which may have been impounded, the owner shall pay to the St. Augustine Humane Society, Inc., an impounding fee of five dollars (\$5.00) for the first impounding, an impounding fee of seven dollars and fifty cents (\$7.50) for the second impounding, and an impounding fee of fifteen dollars (\$15.00) for the third impounding within one (1) year for each licensed dog picked up running at large, and twenty-five dollars (\$25.00) for each unlicensed dog as an impounding fee and further the sum of five dollars (\$5.00) per day for each day such dog shall have been kept impounded. The owner of such dog shall secure a collar and a leash, cord, chain or other like restraint, as herein provided, and a current city license tag, before such dog shall be surrendered or the St. Augustine Humane Society shall require a deposit to ensure owner receives a city license at which time he will have three (3) business days to obtain such license and return with proof of such license to the society for the return of his deposit. In the event the owner does not return with the license within three (3) business days, the owner shall have forfeited the deposit, which shall become the sole property of the St. Augustine Humane Society, Inc. Any dog not redeemed within three (3) business days after the same shall have been impounded shall be destroyed.~~

~~Sec. 5-66. -- Unredeemed dogs to be destroyed by injection or placed for adoption.~~

~~Any dog taken up and impounded and not redeemed within three (3) business days after the same shall have been impounded shall be destroyed by injection or placed for adoption, at the sole discretion of the St. Augustine Humane Society, Inc., with no compensation to the owner.~~

~~Sec. 5-67. -- Records of impounded dogs to be kept; disposal of impounding fees.~~

~~It shall be the duty of the St. Augustine Humane Society, Inc., to keep a correct registry of all dogs impounded, the name of the owner or keeper, when and how the owner or keeper was notified of the impounding of the dog, and the disposal made of such dog.~~

Section 9. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-76 through 5-83 are hereby repealed, as follows:

~~DIVISION 3. -- REGISTRATION, LICENSING, ETC.~~

~~Sec. 5-76. -- Registration -- Required.~~

~~Every person owning, possessing, keeping or harboring any dog within the corporate limits of the city shall register such dog with the director of financial services during the month of September in each year.~~

~~Sec. 5-77. -- Same -- Information to be shown.~~

~~The registration required by this division shall show the name and address of every person owning, possessing, keeping or harboring any dog within the corporate limits of the city and shall indicate the description characteristic of such dog, including its name, breed, color and sex.~~

~~Sec. 5-78. -- Payment of license fee.~~

~~Upon registration, as required by this division, such person shall pay to the director of financial services the sum of three dollars (\$3.00) as license fee for each male or spayed female dog so owned, possessed, kept or harbored, and the sum of five dollars (\$5.00) as a license fee for each unspayed female dog so owned, possessed, kept or harbored.~~

~~Sec. 5-79. -- Issuance of license tag and register number; duration of license.~~

~~Upon receipt of the license fee prescribed by this division, the director of financial services shall furnish to such person a license tag and register number for each dog for which the fee has been paid, which license shall extend from October first to September thirtieth, of the fiscal year for which payment is made.~~

~~Sec. 5-80. -- Requirements as to tag.~~

~~The director of financial services shall provide each and every year such number of metal tags as may be necessary, the shape of which shall be changed each year, and have stamped thereon the year for which the license is paid, the letters "STA" and also the numbers of the tag. It shall be the duty of the director to deliver one (1) of such tags, the number thereof to correspond with the number of the registry of the dog, to the person having paid the tax upon any such dog.~~

~~Sec. 5-81. -- Inoculation against rabies prerequisite to license.~~

~~No registration of a dog shall be made by the director of financial services, nor shall any license fee be accepted, until the person owning, possessing, keeping or harboring such dog shall have produced evidence showing that such dog has been inoculated against rabies within a period of one (1) year prior to the time application is made to register and obtain a license for such dog. The written certificate of a veterinarian licensed to practice veterinary medicine and surgery by the board of veterinary examiners of the state shall be accepted as conclusive evidence as to the fact and time of such inoculation.~~

~~Sec. 5-82. -- Records of licensed dogs to be kept.~~

~~The director of financial services shall keep a complete registry in a book to be kept for the purpose of all licensed dogs, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner or keeper as given, and the number of the city license tag.~~

~~Sec. 5-83. -- Collar required; tag to be attached; removal of collar or tag.~~

~~Each dog kept within the corporate limits of the city shall be provided by its owner or keeper with a collar, made of leather or metal or other durable material to which the license tag provided for in this division shall be securely fastened. No dog shall be permitted to be kept or remain within the city unless the owner or keeper thereof shall have caused such dog to be registered, licensed and provided with and required to wear a collar and tag as herein provided. No person not being the owner or keeper of such dog shall remove or take off or cause to be removed or taken off the collar or the tag upon the dog within the city.~~

Section 10. Repeal of Chapter 5, Article III, Section 5-106. Chapter 5, Article III, Section 5-106 is hereby repealed, as follows:

~~DIVISION 1. -- GENERALLY~~

~~Sec. 5-106. -- Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~At large means off the premises of the owner or other persons harboring, keeping or maintaining a cat.~~

~~Cat means both male and female of all members of the feline family.~~

~~Owner means any person owning, harboring, keeping, or maintaining a cat.~~

Section 11. Repeal of Chapter 5, Article III, Sections 5-116 through 5-120.

Chapter 5, Article III, Sections 5-116 through 5-120 are hereby repealed, as follows:

~~DIVISION 2.—IMPOUNDMENT~~

~~Sec. 5-116.—Biting cats and bitten animals; duty of owner.~~

~~If any cat shall bite any person or animal in the city, it shall be the duty of the person owning, harboring, or keeping such cat and/or the animal bitten to immediately surrender such cat and/or the animal bitten to the St. Augustine Humane Society, Inc. or a licensed veterinarian. These animals shall be impounded for a period of time designated by the county public health department, at the sole expense of the owner of the animal.~~

~~Sec. 5-117.—Running at large without license and collar.~~

~~It shall be the duty of the St. Augustine Humane Society, Inc. or other persons authorized or appointed to catch cats, to catch, take and impound any cat found running at large within the city not having a collar around its neck and a license tag for the current year attached thereto. The place wherein such cats are to be impounded shall be provided by the St. Augustine Humane Society, Inc. and shall be under the St. Augustine Humane Society's supervision and control.~~

~~Sec. 5-118.—Authority of police to kill certain cats running at large.~~

~~If any cat running at large cannot be safely taken up or impounded, it may be destroyed by the chief of police or other members of the police department authorized to do so by the chief of police.~~

~~Sec. 5-119.—Redemption; impounding fee.~~

~~In order to redeem any unlicensed cat which may have been impounded, the owner shall pay an impoundment fee of twenty five dollars (\$25.00)~~

~~and further the sum of five dollars (\$5.00) per day for each day such cat shall have been kept impounded. The owner of the cat shall secure a collar and a city tag, before such cat shall be surrendered, or the St. Augustine Humane Society shall require a deposit to ensure the owner receives the city license at which time he will have three (3) business days to obtain such license and return with proof of obtaining such license to the society. In the event that the owner does not return with the license within three (3) business days, the owner will have forfeited the deposit, which shall become the sole property of the St. Augustine Humane Society, Inc. Any cat not redeemed within three (3) business days after the same shall have been impounded shall be destroyed or placed for adoption, at the sole discretion of the St. Augustine Humane Society, Inc., with no compensation to the owner.~~

~~Sec. 5-120. -- Records to be kept.~~

~~It shall be the duty of the St. Augustine Humane Society, Inc. to keep correct registry of all cats impounded, the name of the owner or keeper, if it can be reasonably determined, when or how the owner or keeper (if it can be reasonably determined) was notified of the impounding of the cat and the disposal made of such cat.~~

Section 12. Repeal of Chapter 5, Article III, Sections 5-131 through 5-139.

Chapter 5, Article III, Sections 5-131 through 5-139 are hereby repealed, as follows:

~~DIVISION 3. -- REGISTRATION, LICENSING, ETC.~~

~~Sec. 5-131. -- Registration--Required.~~

~~Every owner of any cat within the corporate limits of the city shall register such cat with the director of financial services during the month of September in each year.~~

~~Sec. 5-132. -- Same--Information to be shown.~~

~~The registration required by this division shall show the name and address of the owner of any cat within the corporate limits of the city and shall indicate the description characteristic of such cat, including its name, breed, color and sex.~~

~~Sec. 5-133. -- Payment of license fee.~~

~~Upon registration, as required by this division, such owner shall pay to the director of financial services the sum of three dollars (\$3.00) as a license fee for each male or spayed female cat so owned, possessed, kept or~~

~~harbored, and the sum of five dollars (\$5.00) as a license fee for each unspayed female cat so owned, possessed, kept or harbored.~~

~~Sec. 5-134. -- Issuance of license tag and register number; duration of license.~~

~~Upon receipt of the license fee prescribed by this division, the director of financial services shall furnish to such owner a license tag and register number for each cat for which the fee has been paid, which license shall extend from October first to September thirtieth, of the fiscal year for which payment is made.~~

~~Sec. 5-135. -- Requirements as to tag.~~

~~The director of financial services shall provide such number of tags as may be necessary, the shape of which shall be changed each license period, and have stamped thereon the year for which the license is paid, the letters "STA" and also the numbers of the tag. It shall be the duty of the director to deliver one (1) of such tags, the number thereof to correspond with the number of the registry of the cat, to each person having paid the tax upon any such cat.~~

~~Sec. 5-136. -- Inoculation against rabies prerequisite to license.~~

~~No registration of a cat shall be made by the director of financial services nor shall any license fee be accepted until the owner of such cat shall have produced evidence showing that such cat has been inoculated against rabies within a period of one (1) year prior to the time application is made to register and obtain a license for such cat. The written certificate of a veterinarian licensed to practice veterinary medicine and surgery by the board of veterinary examiners of the state shall be accepted as conclusive evidence as to the fact and time of such inoculation.~~

~~Sec. 5-137. -- Records of licensed cats to be kept.~~

~~The city shall keep a complete registry in a book to be kept for the purpose of all licensed cats, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner as given and address of the owner as given and the number of the city license tag.~~

~~Sec. 5-138. -- Collar required; tag to be attached.~~

~~Each cat kept within the corporate limits of the city shall be provided by its owner with a collar, made of leather or metal, or other durable material to which the license tag provided for in this division shall be securely fastened. No cat shall be permitted to be kept or remain within the city~~

~~unless the owner thereof shall have caused such cat to be registered, licensed and provided with and required to wear a collar and tag as herein provided.~~

~~Sec. 5-139. - Removal of collar or tag.~~

~~No person not being the owner of such cat shall remove or take off or cause to be removed or taken off the collar or the tag upon the cat within the city.~~

Section 13. Repeal of Chapter 7, Article II, Section 7-26. Chapter 7, Article II, Section 7-26 is hereby repealed, as follows:

Sec. 7-26. - Fishing, trapping prohibited.

~~It shall be unlawful for any person to catch, trap, take or obtain fish, shrimp or other sea life from the waters of Maria Sanchez Lake by any means or methods.~~

Section 14. Amendment to Chapter 28, Article III, Division 4, Section 28-206. Chapter 28, Article III, Division 4, Section 28-206 is hereby amended, as follows:

Sec. 28-206. - Commercial low-one: CL-1.

(...)

(1) *Permitted uses and structures:*

(...)

~~m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.~~

~~n.-m.~~ The above uses are subject to the following limitations:

1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
2. Products to be sold only at retail.

3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

(...)

Section 15. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 16. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 18. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2019.

Nancy E. Shaver, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(SEAL)

Item 9c

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: January 8, 2019

RE: **Other business Item 9(c)**
Evaluation and Appraisal Report (EAR) Process – Comprehensive Plan 2019 Update

As you are aware the City is required by the State of Florida to periodically evaluate the City's Comprehensive Plan. This process is called the Evaluation and Appraisal Report (EAR). This evaluation is required every seven (7) years.

The City Commission approved the City's EAR Notification letter as recommended by the PZB to the State Department of Economic Opportunity (DEO) at their November 13, 2018 City Commission meeting. The City received confirmation from the DEO on November 30, 2018 that the State had received the City's letter, and that the City has one (1) year to submit the associated Comprehensive Plan amendments (see attached).

Over the course of 2018 the Planning and Building Department held several public meetings with the Planning and Zoning Board (PZB) and a meeting with the Historic Architectural Review Board (HARB) to discuss the elements of the Comprehensive Plan, and the beginning of some updated data and analysis related to each element. These meetings identified statutory update requirements, and potential local issues that need to be addressed in an updated Comprehensive Plan (see summary attached).

The actual updates to the Comprehensive Plan during 2019 will require a rigorous Community Involvement Process, as well as, PZB and HARB workshops and meetings, and City Commission and Staff commitment.

Please find attached a tentative process for your information.

If you have any questions, or require additional information, please let me know.



Amy McClure Skinner
Deputy Director, Planning and Building

Statutory Requirements

There are three (3) main Florida Statute requirements that need to be addressed in an updated Comprehensive Plan:

- Citywide mobility plan;
- Water Supply Plan; and,
- “Perils of Flood” element that addresses sea level rise.

Potential Local Issues Identified

PZB Meeting – May 1, 2018 – Comprehensive Plan EAR

Meeting Summary

Future Land Use Element and Transportation

- Quality of life issues
- Question of parking and traffic related to infill development
- Question of an opportunity to diversify the economy
- Traffic – visitors parking outside of the city
- Mass transit – parking vs living city
- Mobility/transportation
- Encourage affordable housing
- Environmental issues
- Livability
- Neighborhood environment
- Limited area, limited infrastructure
- Healthy economy
- County does economic development
- Look at zoning and uses
- Encourage mixed use/diverse smaller scale types of uses
- Incentivize specific uses/disincentivize other uses
- Strive for balance
- “carrying capacity”

PZB Workshop – June 26, 2018 – Comprehensive Plan EAR

Meeting Summary

Transportation Element con't

- Include pedestrian improvements – safer, wider, “complete streets” concept
- Encourage waterway transportation – outstanding questions include access and shore based parking availability/facilities
- Concerns related to freight delivery/heavy vehicles – safety, hours, loading zones, it was noted that the City is working on this issue
- Encourage bicycling as an alternative mode of transportation including bike infrastructure, rails to trails, and regional connections
- Public parking is a priority, organize alternatives, parking locations and associated transportation issues
- Support alternative modes of transportation/allow “decision making” sooner than later, include shuttles/circulators
- Consider traffic modeling downtown/alternatives downtown

Infrastructure Element

- Include strategies to deal with stormwater – floor area ratios (FAR) to limit impervious surfaces, incentives to increase pervious surfaces, more alternative options including cisterns, rain gardens et cetera
- Look at the 2011 Stormwater Master Plan to potentially update, address deficiencies
- Look at stormwater in terms of small developments and citywide needs
- Wastewater treatment plant potentially vulnerable critical facility

Housing Element

- Need affordable housing/workforce housing including incentives, which could include reducing fees, partnering with the county, density bonuses
- Encourage long term rental with incentives possibly
- Encourage mixed use developments

PZB Workshop – August 2, 2018 – Comprehensive Plan EAR

Meeting Summary

Historic Preservation Element

- Historic preservation is a core priority of the City
- Need to consider protecting specific historic items or characteristics of properties
- Need to consider archaeological record, and update the archaeology inventory

Conservation and Coastal Management Element

- Incorporate “perils of flood” language as required
- Research armoring issues related to conservation zone development
- Research alternative practices, such as, impervious surface ratios
- Research tree canopy implications related to filling
- Address extreme events and infrastructure impacts
- Relate conservation issues to the future land use plan

HARB Meeting – August 16, 2018 – Comprehensive Plan EAR

Meeting Summary

Historic Preservation Element

- Balancing zoning code requirements and architectural guideline goals
- Context in neighborhoods
- Defining massing, for example porches, 1 story vs 2 stories, tiering incentives conditioned space vs. unconditioned
- FEMA requirements and the flooding issue
- Document what we have to prioritize, improve local landmark program, and possibly reduce demolitions
- Recognize the role of the economy, including real estate markets, vacancy rates, “return on investments”, affordability of requirements
- Recognize potential of partnerships with industry groups to achieve goals, for example, help during storm recovery

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

November 28, 2018

The Honorable Nancy Shaver, Mayor
City of St. Augustine
Post Office Box 210
75 King Street
St. Augustine, Florida 32805

RECEIVED
AB **NOV 30 2018**
Planning/Building Dept.

RE: St. Augustine Evaluation and Appraisal Notification Letter

Dear Mayor Shaver:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on December 1, 2018, and received by the Department on November 26, 2018.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by **November 26, 2019**, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Ms. Sherry Spires of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8499.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Processing Administrator, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.



City of St. Augustine

St. Augustine, Florida

Planning/Building



November 13, 2018

Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399-6545

Attention: Plan Processing Unit

RECEIVED

Div. of Community Planning and Growth

NOV 26 2018

Div. of Community Development
Dept. Economic Opportunity

RE: City of St. Augustine Evaluation and Appraisal Notification Letter

To Whom it may Concern:

This correspondence will serve as the City of St. Augustine's Evaluation and Appraisal Notification Letter. The City of St. Augustine has determined that plan amendments are necessary to reflect changes in state requirements, as well as, to update the plan to reflect changes in local conditions.

The City has completed a public evaluation process, and determined that a Comprehensive Plan update is necessary.

Thank you for your work regarding this matter if you have any questions please contact our Planning and Building Department Director as indicated below.

Sincerely,



Nancy Shaver
Mayor

The contact information for the local government contact, is:

David Birchim, AICP
Planning and Building Department Director
City of St. Augustine
PO Box 210
St. Augustine, Florida 32085-0210
(904) 825-1065
(904) 209-4335 fax
dbirchim@citystaug.com

Community Involvement Process

Comprehensive Plan Update Schedule

January – September 2019	Workshops Public Outreach – Community meetings
October 2019	Historic Architectural Review Board (HARB) recommendation Wrap up any workshops and/or community meetings
November 2019	Planning and Zoning Board (PZB) recommendation City Commission Transmittal Hearing Transmit proposed amendments to DEO

Public Outreach Schedule

January 2019	Spanish Quarter, Old City South, Aviles Street Merchants Association, Historic Area Council Lincolnvillle Neighborhood, Model Land Company, Flagler College
February 2019	Uptown, Magnolia, Nelmar Terrace, Greater Fullerwood, San Marco Avenue Merchants, Uptown Merchants Lighthouse Park, North Davis Shores, South Davis Shores, Anastasia Boulevard Merchants
March 2019	Pelican Reef, Lions Gate, Anastasia Lakes, SR 312 Corridor Ravenswood, Oyster Creek, West King Street Merchants, South Dixie Highway and Masters Drive Merchants
April 2019	Madeira, Old Sebastian Pointe, Woodcrest, The Landing, US 1 Corridor
May 2019	HARB status report PZB status report
June 2019	City Commission status report

Comprehensive Plan Element Update Schedule

June 2019	Infrastructure, Capital Improvements Elements
July 2019	Housing, Historic Preservation Elements
August 2019	Conservation and Coastal Management, Recreation and Open Space Elements
September 2019	Future Land Use, Transportation Elements
October 2019	Intergovernmental Coordination, Public Schools Facilities, Capital Improvements Elements

Note: Subjects, Timing and Schedule are subject to change

60 WEST AVE 2018-0142

APPLICANT HAS WHOLESALE BUSINESS AT 56 S. DIXIE HWY #6 (FORGOTTEN CITY SPIRITS INC) HE NEEDS CM2 ZONING FOR 4 COP LIQUOR LICENSE.

IF p. 11 OF STAFF REPORT STATES AN EXCEPTION TO SELL POT CAN'T BE APPROVED SINCE IT DOES NOT HAVE DIRECT ACCESS TO U.S. 1. A LOT TO THE WEST DOES HAVE DIRECT ACCESS TO US 1. WHERE POT CAN BE SOLD.

IF INCREASING LAND USE INTENSITY WOULD BE DETRIMENTAL, THERE ARE HOMES DIRECTLY TO THE EAST OF THIS PROPERTY,

IF THERE IS NO NEED OR JUSTIFICATION FOR THE COMPREHENSIVE PLAN AMENDMENT AND REZONING, THE COMPREHENSIVE PLAN AMENDMENT AND REZONING DOES NOT SUPPORT THE GENERAL PLANNING PROGRAM. IF THIS BOARD SHOULD NOT RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT AND REZONING PHOTO

268 W. KING ST. 2018-0158

MR. KEITH'S MAILING ADDRESS IS 265 W. KING. WITH THE CM2 ZONING IS IT CORRECT THIS NEW 3/2 SINGLE FAMILY HOME CAN BE USED FOR: HOUSING ELDERLY, A ROOMING HOUSE, BOARDING HOUSE, BED + BREAKFAST WITHOUT RETURNING TO THE PZB. IF WHEN HARB PERMITS DEMOLITION OF THIS HOME, BUILT IN 1925, ANOTHER PIECE OF HISTORY WILL BE DESTROYED

121 SPOON BILL POINT CT 2018-0153

IF DENY OR CONTINUE. APPLICANT DID NOT PROVIDE ARBORIST REPORT, IF PELICAN REEF CONTINUES TO DESTROY THE TREE CANOPY. AGREEMENTS BETWEEN THE COA AND ENVIRONMENTALLY SENSITIVE LANDOWNERS HAS ALLOWED THIS TO HAPPEN

P2B 1-8-19

BJ KALAI DI
8 NEWCOMB ST

THE 95 CHEROKEE ST. TOWNHOUSE DEVELOPMENT HAS FENCED OFF IROQUOIS ST., WHICH CUTS OFF PUBLIC ACCESS TO THE SAN SEBASTIAN RIVER.

P ON SATURDAY 1.5.19 THE POLICE WERE PARKED SOUTH OF IROQUOIS IN ANOTHER DEVELOPMENT, WHERE THE FENCE WAS OPEN DURING CONSTRUCTION.

P REMEMBER, THE DEVELOPMENT EAST OF 207 AND PONCE DE LEON CUT OFF PUBLIC ACCESS TO THE SAN SEBASTIAN RIVER.

P THE DEVELOPER HAS A BULKHEAD AND THE PUBLIC HAS NO ACCESS TO THE SAN SEBASTIAN RIVER.

9B ORD 2019-01

ENFORCEMENT OF ZONING LAWS HAS BECOME LAUGHABLE IN THE COSA.

P DOG AND CAT OWNERS HAVE NOT REGISTERED THEIR ANIMALS SO UN-ELECTED EMPLOYEES DECIDED TO REPEAL THE ORDINANCE.

P THE PIG ORDINANCE WAS INSTIGATED BY A POLITICIAN. SELFISH ACTIONS/DECISIONS SUCH AS THIS IS HOW SLUMS ARE CREATED IN THE COSA, WHERE POLITICIANS DO NOT LIVE. P PERMITTING 4 PIGS AS HOUSEHOLD PETS DOES NOT PROMOTE AND PROTECT THE GENERAL HEALTH, SAFETY AND WELFARE OF RESIDENTS OF THE COSA.

P THE CITY FAILED TO ENFORCE DOG AND CAT REGISTRATION. WHO WILL ENFORCE THIS PIG ORDINANCE?

P DO NOT RECOMMEND ORD. 2019-01 UNLESS THE PIGS ARE ELIMINATED.

76 709 S. PONCE 2018-0152

PLEASE ADD CONDITION: AFTER TREES ARE REMOVED THE
OWNER MUST PROVIDE PHOTO SHOWING NO TREE CANOPY. OLD FLA.
DENY

7C 919 LEW BLVD

THE STREETS OF COSA ARE CONGESTED, OUR CONSERVATION
ZONES ARE OVER DEVELOPED WITH DOCKS. CAN WE SAY
JACKSONVILLE,

7D FISH ISLAND 2018-0167

DEVELOPERS AND THEIR "TEAM" MANIPULATE OUR
COMPREHENSIVE PLAN TO CONTINUE TO DESTROY THE
ENVIRONMENT AND OUR QUALITY OF LIFE. IF THE COSA
OWNS ACCESS TO THE MATANZAS RIVER, THE FISH ISLAND
VILLAGE IS LAND LOCKED. THIS OPENS THE DOOR TO MORE
DESTRUCTION. DENY.

7E-1370 U.S. 1 S.

PLEASE PLACE CONDITION. AFTER REMOVE MORE THAN 50%
TREE CANOPY BRING PHOTO SHOWING DESTRUCTION. REMEMBER
COSA IS A TREE CITY

7F - 700 PLANTATION ISLAND DR S.

THE MAILING ADDRESS SHOWS COSA. WHEN DID MR. DAVE
BECOME THE OWNER? WHY DESTROY MORE THAN 50% TREE
CANOPY AND CLAIM TO BE TREE CITY. PLEASE DENY.

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 4 (a)

Property Address: 60 West Avenue

Applicant's Name: Sean McInerney

BDAC File Number: 2018-0142

Item Continued from the November 6, 2018 PZB meeting

Total Number Sent: 9

1 In Favor

0 Opposed

0 Had Comments



RECEIVED

NOV 05 2018

LEGAL NOTICE OF PUBLIC HEARING

Planning/Building Dept.

"IMPORTANT NOTICE: Now that the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present,** and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING TO BE HELD BY THE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE, TO BE HELD **TUESDAY NOVEMBER 6, 2018**. THE MEETING BEGINS AT **2:00 P.M. IN THE ALCAZAR ROOM, 1ST FLOOR, WEST WING, CITY HALL, 75 KING STREET, ST. AUGUSTINE, FLORIDA, AT WHICH TIME COMMENTS ARE INVITED ON THE FOLLOWING MATTER:**

COMPREHENSIVE PLAN AMENDMENT AND REZONING

TO AMEND THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL MEDIUM DENSITY/MIXED USE TO COMMERCIAL MEDIUM INTENSITY & REZONE FROM PLANNED UNIT DEVELOPMENT (PUD) TO COMMERCIAL MEDIUM-TWO (CM-2) LOCATED AT 60 WEST AVENUE AND DESCRIBED BY LEGAL DESCRIPTION AS 1-133 WILDWOOD PARK LOT 55 BLK C OR1374/1186 & 2924/1663 OR4572/1798 PIN 1190100000.

APPLICANT'S NAME: SEAN MCINERNEY**APPLICATION NUMBER: 2018-0142**

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services.

To obtain additional information regarding this application, contact the Planning and Building Department at 904-825-1065. Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, 75 King Street, P.O. Box 210, St. Augustine, FL 32085-0210, **no later than Monday November 5, 2018.**

SURROUNDING PROPERTY OWNER**RESPONSE FORM**☒

IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: _____

Roger Scharf
 SIGNATURE

ROGER SCHARF
 PRINT NAME

ADDRESS

P.O. Box 163, Owl's Head, NY 12969

Case: 2018-0142

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 5 (a)

Property Address: 268 W. King Street

Applicant's Name: Keith N. Waheed

BDAC File Number: 2018-0158

Total Number Sent: 19

1 In Favor

0 Opposed

1 Had Comments



LEGAL NOTICE OF PUBLIC HEARING

"IMPORTANT NOTICE: Now that the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present**, and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING TO BE HELD BY THE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE, TO BE HELD **TUESDAY JANUARY 8, 2019**. THE MEETING BEGINS AT **2:00 P.M. IN THE ALCAZAR ROOM, 1ST FLOOR, WEST WING, CITY HALL, 75 KING STREET, ST. AUGUSTINE, FLORIDA**, AT WHICH TIME COMMENTS ARE INVITED ON THE FOLLOWING MATTER:

USE BY EXCEPTION

TO APPROVE A NEW SINGLE FAMILY HOME WITHIN COMMERCIAL MEDIUM 2 (CM-2) ZONING CATEGORY LOCATED AT 268 W. KING STREET AND DESCRIBED BY LEGAL DESCRIPTION AS 5-49 ALTAVILLA SUB OF BLK 19 DANCY LOT 18 OR1327/133(Q/C) PIN 1120400000.

APPLICANT'S NAME: KEITH N. WAHEED
APPLICATION NUMBER: 2018-0158

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services.

To obtain additional information regarding this application, contact the Planning and Building Department at 904-825-1065. Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, 75 King Street, P.O. Box 210, St. Augustine, FL 32085-0210, no later than Monday January 7, 2019.

SURROUNDING PROPERTY OWNER

RESPONSE FORM

☒

IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS:

*My vacant lot is @ 274 W. King St.
 I encourage Mr. Keith N. Waheed to proceed
 with his plans to develop 268 W. King St.*

SIGNATURE

Bruce A. Hoppe
 3130 Laurel Grove S. Jacksonville, FL 32223

ADDRESS

Bruce A. Hoppe
 PRINT NAME

RECEIVED
JAN 02 2019

Planning/Building Dept.

Case: 2018-0158

THE ST. AUGUSTINE RECORD
Affidavit of Publication

CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
AD# 0003126738-01
PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

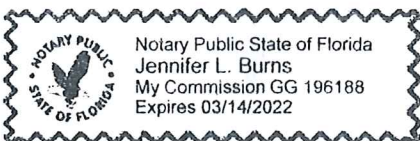
Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **NOTICE OF HEARING** in the matter of **PZB 268 W KING STREET** was published in said newspaper on **12/27/2018**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before me this DEC 27 2018 day

by Jessie Rhinehart who is personally known to me
or who has produced as identification

Jennifer L. Burns
(Signature of Notary Public)



NOTICE OF PUBLIC
HEARING

Notice is hereby given of a public hearing by the Planning and Zoning Board to be held at 2:00 PM, Tuesday, January 8, 2019, at The Alcazar Room at City Hall, St. Augustine, Florida, at which time comments are invited on the following:

USE BY EXCEPTION TO APPROVE A NEW SINGLE FAMILY HOME WITHIN THE COMMERCIAL MEDIUM 2 (CM-2) ZONING CATEGORY; 5-49 ALTAVILLA SUB OF BLK 19 DANCY LOT 18 OR1327/133(Q/C); ALSO KNOWN AS 268 W. King Street.
APPLICANT'S NAME: Keith N. Waheed
SUBMITTED BY:
CITY CLERK'S OFFICE
0003126738 December 27, 2018

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 6 (a)

Property Address: 38 Water Street

Applicant's Name: Jon Benoit C/o BEHST Builders, Inc.

BDAC File Number: 2018-0169

Total Number Sent: 19

4 In Favor

0 Opposed

0 Had Comments

One attached letter in opposition.



RECEIVED

JAN 04 2019

LEGAL NOTICE OF PUBLIC HEARING

Planning/Building Dept.

"IMPORTANT NOTICE: Now that the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present,** and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING TO BE HELD BY THE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE, TO BE HELD **TUESDAY JANUARY 8, 2019**. THE MEETING BEGINS AT **2:00 P.M. IN THE ALCAZAR ROOM, 1ST FLOOR, WEST WING, CITY HALL, 75 KING STREET, ST. AUGUSTINE, FLORIDA, AT WHICH TIME COMMENTS ARE INVITED ON THE FOLLOWING MATTER:**

VARIANCE

TO APPROVE VARIANCES TO INCREASE BUILDING HEIGHT FROM THIRTY (30) FEET TO THIRTY-TWO (32) FEET, DECREASE ROOF PITCH FROM 5/12 TO 3/12, & ENCROACH INTO THE SIX POINT NINE (6.9) FOOT SETBACK FOR A PROPOSED BUILDING ADDITION LOCATED AT 38 WATER STREET AND DESCRIBED BY LEGAL DESCRIPTION AS ABBOTT TRACT CITY S1/2 OF LOT 5 BLK I OR3472/1536 & 4391/1862(L/E) PIN 1955200000.

**APPLICANT'S NAME: JON BENOIT C/O BEHST BUILDERS, INC.
APPLICATION NUMBER: 2018-0169**

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

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SURROUNDING PROPERTY OWNER

RESPONSE FORM

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: _____

 **IAN G. MACDONALD**
SIGNATURE PRINT NAME

23 Water St, St A, F13208L
ADDRESS



RECEIVED

JAN 02 2019

Planning/Building Dept.

LEGAL NOTICE OF PUBLIC HEARING

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SURROUNDING PROPERTY OWNER**RESPONSE FORM**

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: _____

Annette T. Armstrong
SIGNATURE

Annette T. Armstrong
PRINT NAME

40 Water St
ADDRESS

Case: 2018-0169



RECEIVED

JAN 02 2019

Planning/Building Dept.

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SURROUNDING PROPERTY OWNER**RESPONSE FORM**☒ IN FAVOR OF APPLICATION☐ OPPOSED TO APPLICATION

COMMENTS: _____

Catherine P. Rogers
SIGNATURE

CATHERINE P. ROGERS
PRINT NAME

29 MULBERRY ST
ADDRESS

Case: 2018-0169

12/20/18

7 January 2019

To: David Harrell, Sr. Development Review Planner, City of St.
Augustine

From: Cathy DuPont, 26 Mulberry St., Abbott Tract, St. Aug

Re: PZB Meeting of 8 January 2019
Oppose Variance #2018-0169 - 38 Water St., Abbott Tract

While staff has recommended that the PZB "may be able to APPROVE variances in increase building height from thirty (30) feet to thirty two (32) feet, decrease roof pitch from 5/12 to 3/12, & encroach into the six point nine (6.9) foot setback for a proposed building addition" I disagree with staff's recommendation.

City ordinance states and the staff report says that "No variance shall be granted unless the applicant shall show and the board shall find that:

A. The particular property, because of the size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity..."

According to the letter from Jon Benoit c/o BEHST Builders, Inc., "The owners want to update the home with new a spacious kitchen, reconfigure some bedrooms and bathrooms to suit their needs, and **regain some views of the water** by renovating the third floor that is built into the roof."

Apparently due to recent construction in the neighborhood, their view of Matanzas Bay has been obscured. That is regretful. However it's not a valid reason to seek a variance to increase a roof height and roof pitch changing forever the sky line of historic Water St. and therefore Abbott Tract. Those of us who live in the neighborhood must look forever at those changes.

Whatever changes the owners make within the walls of their home which does not require an exception or variance, is, of course, theirs to make.

I cannot find any compelling reason that it does not '...suffer(s) singular disadvantage...which disadvantage does not apply to other properties in the vicinity...' therefore I am in opposition to the PZB granting this variance. Desiring a view of the water is no reason to grant a variance therefore I respectfully oppose the granting of Variance #2018-0169 by the Planning and Zoning Board. The board should not be setting a precedent by granting a 'waterview' variance.

☒ IN FAVOR OF APPLICATION

_____ OPPOSED TO APPLICATION

COMMENTS:

RECEIVED

JAN 02 2019

Planning/Building Dept.

John Rosenberg John Rosenberg
Joanne Rosenberg Joanne Rosenberg

SIGNATURE PRINT NAME

39 Water St., St. Augustine, Fl.

ADDRESS

32084

Case: 2018-0169

RECEIVED

JAN 02 2019

Planning/Building Dept.

THE ST. AUGUSTINE RECORD
Affidavit of Publication

CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
AD# 0003126788-01
PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **NOTICE OF HEARING** in the matter of **PZB 38 water street** was published in said newspaper on **12/27/2018**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before me this DEC 27 2018 day of
by Melissa Rhinehart who is personally known to me
or who has produced as identification

Jennifer L. Burns
(Signature of Notary Public)



NOTICE OF PUBLIC
HEARING

Notice is hereby given of a public hearing by the Planning and Zoning Board to be held at 2:00 PM, Tuesday, January 8, 2019, at The Alcazar Room at City Hall, St. Augustine, Florida, at which time comments are invited on the following:

VARIANCE TO APPROVE VARIANCES TO INCREASE BUILDING HEIGHT FROM THIRTY (30) FEET TO THIRTY-TWO (32) FEET, DECREASE ROOF PITCH FROM 5/12 TO 3/12, & ENCROACH INTO THE SIX POINT NINE (6.9) FOOT SETBACK FOR A PROPOSED BUILDING ADDITION; ABBOTT TRACT CITY S1/2 OF LOT 5 BLK 1 OR 3472/1536 & 4391/1862(L/E); ALSO KNOWN AS 38 Water Street.
APPLICANT'S NAME: Jon Benoit,
BEHST Builders, Inc.
SUBMITTED BY:
CITY CLERK'S OFFICE
0003126788 December 27, 2018

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 7 (a)

Property Address: 121 Spoonbill Point Court

Applicant's Name: Bart D. Piniak

BDAC File Number: 2018-0153

Item continued from the December 4, 2018 PZB meeting.

Total Number Sent: 19

2 In Favor

0 Opposed

1 Had Comments

Attached one email response.



RECEIVED

NOV 21 2018

LEGAL NOTICE OF PUBLIC HEARING

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CONSERVATION OVERLAY ZONE DEVELOPMENT

TO APPROVE REMOVAL OF MORE THAN FIFTY (50) PERCENT OF THE TREE CANOPY, INCLUDING TWELVE (12) PRESERVED TREES (CEDARS) WITHIN CONSERVATION OVERLAY ZONE 3 LOCATED AT 121 SPOONBILL POINT COURT AND DESCRIBED BY LEGAL DESCRIPTION AS 49/55-59 PELICAN REEF IV LOT 9 BLK 6 OR4145/1020 PIN 1585716090.

APPLICANT'S NAME: BART D. PINIAZ
APPLICATION NUMBER: 2018-0153

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

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SURROUNDING PROPERTY OWNER**RESPONSE FORM**

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: I am familiar with the residential lot and the modest house plans approved by the HPA. There is no true "canopy". The trees to be removed for the footprint of the home are dead trees. In fact, removal of the dead trees will enhance the aesthetics of the vacant lot and be consistent with the balance of the already developed community.

SIGNATURE Dudley Birdler PRINT NAME Dudley Birdler

SIGNATURE

PRINT NAME

ADDRESS

Case: 2018-0153



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APPLICANT'S NAME: BART D. PINIAZ
APPLICATION NUMBER: 2018-0153

RECEIVED
NOV 20 2018

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SURROUNDING PROPERTY OWNER

RESPONSE FORM

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: _____

Glenn A. Fournier
 SIGNATURE
58 MIRUELA AVE ST AUG FL 32080
 ADDRESS

GLENN A. FOURNIER
 PRINT NAME

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, November 27, 2018 11:56 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; mauricepmorisette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: Tracey Mullins; David Harrell
Subject: FW: Property at Matanzas Blvd and Solano Ave

From: Eric Smith [mailto:drericjsmith@gmail.com]
Sent: Tuesday, November 27, 2018 11:53 AM
To: Sarah Ryan <sshipp@gmail.com>; Amy Skinner <askinner@citystaug.com>
Subject: Property at Matanzas Blvd and Solano Ave

Planning and Zoning Board members;

My wife and I live at 239 S. Matanzas Blvd and have concerns about three units that are being proposed for a vacant lot at the corner of Matanzas Blvd and Solano Ave. I believe the address of the lots are 1, 3 and 5 Solano Avenue.

First, we request the the tree ordinance that protects the cedars on Anastasia Island be strictly enforced on this property. There are 15 beautiful cedars on the lot currently and need protection.

Second, our section of Matanzas Blvd always experiences significant flooding on king tides, heavy rain and major storms. We have personally been flooded twice by the recent two hurricanes. We request that the developer be required to maintain any water run off on his own property. We are certain the developer will need to bring in a massive amount of fill dirt. Our concern is that the fill will push up to an acrea of water onto neighboring properties. Our street can not handle more water being drained off such a large parcel into the streets and neighboring properties.

Thank you for your attention to this matter.

Sincerely
Eric and Carolyn Smith

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 7 (b)

Property Address: 709 S. Ponce De Leon Boulevard

Applicant's Name: Ryan Carter c/o Carter Environmental Services
Inc.

BDAC File Number: 2018-0152

Item continued from the December 4, 2018 PZB meeting.

Total Number Sent: 33

0 In Favor

0 Opposed

0 Had Comments

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 7 (c)

Property Address: 919 Lew Boulevard

Applicant's Name: Ryan Carter C/o Carter Environmental
Services Inc.

BDAC File Number: 2018-0163

Total Number Sent: 19

3 In Favor

0 Opposed

0 Had Comments



RECEIVED

DEC 27 2018

LEGAL NOTICE OF PUBLIC HEARING

Planning/Building Dep

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CONSERVATION OVERLAY ZONE DEVELOPMENT

TO APPROVE A PROPOSED DOCK WITHIN CONSERVATION OVERLAY ZONES 1 & 2 LOCATED AT 919 LEW BOULEVARD AND DESCRIBED BY LEGAL DESCRIPTION AS 6-21 BORDE DEL MAR UT 1 LOT 4 OR4463/1871 PIN 1589100000.

APPLICANT'S NAME: RYAN CARTER C/O CARTER ENVIRONMENTAL SERVICES, INC.

APPLICATION NUMBER: 2018-0163

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

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SURROUNDING PROPERTY OWNER**RESPONSE FORM**

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: _____

K. Harvey

SIGNATURE

Kristina N. Harvey

PRINT NAME

916 Lew Blvd St. Augustine FL 32080

ADDRESS

Case: 2018-0163



RECEIVED

DEC 27 2018

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SURROUNDING PROPERTY OWNER

RESPONSE FORM

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: _____

Karen D Williamson
 SIGNATURE

Karen D Williamson
 PRINT NAME

Vacant lot corner of Flamingo Dr. + Lew Blvd.
 ADDRESS
St. Augustine FL 32080

Case: 2018-0163



LEGAL NOTICE OF PUBLIC HEARING

RECEIVED

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APPLICANT'S NAME: RYAN CARTER C/O CARTER ENVIRONMENTAL SERVICES, INC.

APPLICATION NUMBER: 2018-0163

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services.

To obtain additional information regarding this application, contact the Planning and Building Department at 904-825-1065. Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, 75 King Street, P.O. Box 210, St. Augustine, FL 32085-0210, no later than Monday January 7, 2019.

SURROUNDING PROPERTY OWNER

RESPONSE FORM

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: _____

SIGNATURE

PRINT NAME

ADDRESS

Case: 2018-0163

THE ST. AUGUSTINE RECORD
Affidavit of Publication

CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
AD# 0003126793-01

PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

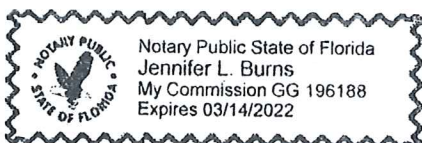
STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **NOTICE OF HEARING** in the matter of **PZB 919 LEW BOULEVARD** was published in said newspaper on **12/27/2018**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before me this DEC 27 2018 day of _____
by Melissa Rhinehart who is personally known to me
or who has produced as identification

Jennifer L. Burns
(Signature of Notary Public)



NOTICE OF PUBLIC
HEARING

Notice is hereby given of a public hearing by the Planning and Zoning Board to be held at 2:00 PM, Tuesday, January 8, 2019, at The Alcazar Room at City Hall, St. Augustine, Florida, at which time comments are invited on the following:

CONSERVATION OVERLAY ZONE DEVELOPMENT TO APPROVE A PROPOSED DOCK WITHIN CONSERVATION OVERLAY ZONES 1 & 2; 6-21 BORDE DEL MAR UT 1 LOT 4 OR4463/1871; ALSO KNOWN AS 919 Lew Boulevard.
APPLICANT'S NAME: Ryan Carter, Carter Environmental Services, Inc.
SUBMITTED BY:
CITY CLERK'S OFFICE
0003126793 December 27, 2018

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 7 (d)

Property Address: PIN#: 1622100016 (Area roughly bounded by

Plantation Island Drive S. projected to the Matanzas River,

Matanzas River, State Road 312, then Plantation Island Drive S.)

Applicant's Name: Ryan Carter C/o Carter Environmental
Services

BDAC File Number: 2018-0167

Total Number Sent: 15

0 In Favor

1 Opposed

0 Had Comments

Please see attached several emails in opposition of this item.



LEGAL NOTICE OF PUBLIC HEARING

RECEIVED

"IMPORTANT NOTICE: Now that the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present**, and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING TO BE HELD BY THE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE, TO BE HELD **TUESDAY JANUARY 8, 2019**. THE MEETING BEGINS AT **2:00 P.M. IN THE ALCAZAR ROOM**, 1ST FLOOR, WEST WING, CITY HALL, 75 KING STREET, ST. AUGUSTINE, FLORIDA, AT WHICH TIME COMMENTS ARE INVITED ON THE FOLLOWING MATTER:

CONSERVATION OVERLAY ZONE DEVELOPMENT

1622100016 LEGAL DESCRIPTION: 3-1F PTS OF GLS 2 & 3 LYING S OF SR312 - DEED PARCELS 1 & 2 (EX ANY PT OF PARCEL 2 OUTSIDE CITY LIMITS OF CITY OF ST AUG) (EX PT IN OR3015/910) OR1956/19 & 1956/27(Q/C) & 1956/33(Q/C) TO APPROVE REMOVAL OF PRESERVED TREES (OAKS & CEDARS) FOR A LINEAR RETENTION POND TO SERVE THE NEIGHBORING PARCEL LOCATED AT PIN#: 1622100021 WITH ITS LEGAL DESCRIPTION: 3-1K PTS OF GLS 3 & 4 LYING S OF SR 312 OR3015/910

APPLICANT'S NAME: RYAN CARTER C/O CARTER ENVIRONEMENTAL SERVICES, INC.
APPLICATION NUMBER: 2018-0167

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services.

To obtain additional information regarding this application, contact the Planning and Building Department at 904-825-1065. Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, 75 King Street, P.O. Box 210, St. Augustine, FL 32085-0210, no later than Monday January 7, 2019.

SURROUNDING PROPERTY OWNER

RESPONSE FORM

_____ IN FAVOR OF APPLICATION

☒ OPPOSED TO APPLICATION

COMMENTS: _____

SIGNATURE

PRINT NAME

ADDRESS

Case: 2018-0167

List of people who have e-mailed the Board concerning this item.

adixon5966@aol.com	Kathryn Schirmacher
Barb Berg	Kimberly Graf
Barbara Olson	Kit Cooper
Brian Paradise	Leonard and Camille Kay
Charles C. Willoughby	Lisa and Terry McGlynn
Clara Waldhari	Mark Hastings
Clint & Nell Porter	Mary Kellough
Dave Lowther	MaryLee & Kevin McDonough
Denise Rohdin	Maureen and Jim Long
Dennis Simeone	Melinda Wiles Strock
d.seefried@comcast.net	Michael Read
Diane Blewett	Nana Royer
Don Schroeder	Pam Kleinsasser
Donald & Susan Marcoccio	Patty Scott
Edie Haise	Rebecca Cady
Elisa Nevel	Richard Galantowicz
Frances Bacon	Ruth Hope
Gail Logan	Sandra Hoogerwerf
Gail Payette	Scott Smithner
Hilly Zee	Sue Agresta
Janet Patten	Sue Cubbedge
Jeff Sturtevant	Susan Corcoran
John and Jan Totushek	Walter Coker
Judith Seraphin	
Judy Shannon	
Julie Wingo-Washington	

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 9:09 AM
To: Grant Misterl you; Karen Zander; Maurice Morissette; Jon DePreter; John Blow; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Tree removal NO

-----Original Message-----

From: edith haise [mailto:ediemarie22@yahoo.com]
Sent: Thursday, January 03, 2019 6:10 PM
To: Amy Skinner <askinner@citystaug.com>; mauricepmorissette@gmail.com; karen@97park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepreter@gmail.com; jcbow@aicw.org; opsahl@OpsahlLaw.com
Subject: Tree removal NO

You MUST vote to DENY request to build retention ditch and remove trees on fish island (Item 7d-2018-0167). When is enough enough with removing natural habitat on this small island and building HUGE communities such as Antigua. What a horrible eyesore driving towards 312 bridge. Shame on all who allowed that.

Edie Haise
352 Islander Circle
St Augustine, FL. 32080

Sent from my iPad

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 9:30 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; Maurice Morissette; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Oppose Fish Island Tree Removal and Retention Pond

From: Patty Scott [mailto:pscott17@gmail.com]
Sent: Friday, January 04, 2019 8:07 AM
To: Opsahl@opsahllaw.com; jcbow@aicw.org; Karen@97park.com; gmisterly@gmail.com; jondepeter@gmail.com; sshipp@gmail.com; Amy Skinner <askinner@citystaug.com>
Subject: Oppose Fish Island Tree Removal and Retention Pond

Dear Planning and Zoning Board Members,

I am writing to express my strong opposition to the proposed project by Fish Island Development LLC., that is scheduled to be considered during the Planning and Zoning Board meeting on January 8, 2019.

Fish Island Development LLC is requesting approval to remove a large number of preserved trees on Fish Island Land in order to build a "temporary" linear retention pond to serve the soon to be constructed Fish Island Village, described as a 20,056 sf commercial office center on 3.3 acres of land to be located south of SR 312 – at the corner of SR 312 and Plantation Drive.

This new request to remove preserved trees in Conservation Overlay Zone 3, if approved, will result in **bulldozing and removing all trees** in a linear path of destruction 50 ft wide, totaling some 57,000 sf over 1.33 acres through the well-established tree canopy, upland buffer, and wildlife habitat on Fish Island land.

I join the Friends of Fish Island in advocating for the preservation of all Fish Island land. We oppose this incremental encroachment of development on Fish Island land, the removal of such a large amount of preserved trees, the destruction of the upland buffer, and decimation of the last remaining wildlife refuge for animals fleeing Antigua.

Another horrible development like "Antigua" on the South side of SR 312 will harm the environment and degrade the water quality of the Matanzas River. Our Matanzas River is one of the few remaining waterways in Florida with good water quality, but it faces serious threats from stormwater runoff from rampant development and destruction of upland buffers from projects like the one proposed for Fish Island.

This proposed development will also cause more traffic congestion and it will be an eyesore for the beautiful and historic city of St. Augustine.

Thank you for your time and attention to this important issue.

Sincerely,

Patty Scott

PS My family and I currently live in Palm Coast, but I'm a former resident of St. Augustine, and we are moving back to St. Augustine in 2019. I plan to go fishing in the flats near Fish Island, and will be using the 312 bridge regularly. I am concerned about this issue for environmental reasons, traffic congestion, and overall quality of life.

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 9:31 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: Clint Porter [mailto:star1100rider@gmail.com]
Sent: Friday, January 04, 2019 8:22 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

To ALL Board Members:

ENOUGH IS ENOUGH. It will be an absolute travesty to allow more development along SR312. We fully encourage each of you to recognize some sense of concern for the citizens of which you serve. WE'VE HAD ENOUGH!

Please vote NO to any development of the Fish Island area.

Thank you very much,

Clint & Nell Porter
76 Lighthouse Ave
St. Augustine, FL 32080
Phone: 904-825-0163

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 9:31 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: dennis x [mailto:plantmojoman@hotmail.com]
Sent: Friday, January 04, 2019 8:56 AM
To: Amy Skinner <askinner@citystaug.com>
Cc: Debbie Wicker <debcwicker@gmail.com>
Subject: Fish Island

Dear Board, Unfortunately I live out of town for a portion of the year and am unable to attend the meeting on Tuesday 1/8; which will address the subject of Fish Island. I just want to have it on the record that I and my wife STRONGLY OPPOSE any more clear cutting of this and other 'protected' native tree and wildlife sensitive areas. If it is 'protected' it should be end of discussion. What has been done already is a travesty, but to continue with this 'self-perpetuating zoning' and construction will only add to the ecological disaster we continue to create. We are turning some of our shorelines and marshes into subdivided, cookie-cutter, characterless tax bases. When are we going to realize that some areas of this country should not be raped and developed. Hopefully, not like other areas of Florida and the Country, when its too late! Lets take the lead and show others how things should be done; and not base everything on tax dollars generated. Submitted with sincerity, Dennis Simeone 40 Magnolia Drive St Augustine Florida Taxpayer.

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 11:33 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: For Mr. Morissette - Re: Bulldozing on Fish Island - Item 7(d) 2018-0167

From: Barbara Olson [mailto:blynnolson@gmail.com]
Sent: Friday, January 04, 2019 11:25 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: For Mr. Morissette - Re: Bulldozing on Fish Island - Item 7(d) 2018-0167

Dear Mr. Morissette,

I am a homeowner in Menendez Park, about 2 miles south of Fish Island. This email is to express grave concern about the negative impact of removing oak and cedar trees, disrupting wildlife and other environmental impact should creation of a linear retention pond be permitted on Fish Island. The P&Z is being asked to grant approval for this on Tuesday, 1/8/19 (Item 7d 2018-0167).

It is my understanding that this 50ft wide retention pond is being requested to support a commercial building campus proposed at the corner of SR 312 and Plantation Drive.

Before moving forward with the largely irrevocable act of removing over 55,000 square feet of mature tree canopy, I would respectfully ask that you and other members of the P&Z commission city staff and interested parties to assure the following occur:

1. Identification and full vetting of alternatives to the proposed linear retention pond that would not involve disruption of the tree canopy cover. It would be important to know how could other, existing retention ponds be optimized.
2. Involvement of an arborist to fully address the impact of tree removal, relative to other options.
3. An archeological survey to better understand the history of the land.

The experience of seeing the impact on the land and wildlife at Antigua, across 312, has been a sad one. Please take time and fully consider each and every step of development of this land, where the ecosystem contributes to our wellbeing in such important and irreplaceable ways.

With thanks and very best wishes,

Barbara Olson

1824 Old Beach Road

St Augustine FL 32080

Get [Outlook for iOS](#)

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 1:40 PM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island
Attachments: PZB letter.docx

From: Elsie Scarano [mailto:ekscarano@gmail.com]
Sent: Friday, January 04, 2019 12:46 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

January 4, 2019

Dear St. Augustine PZB members:

We are very upset about two items on the PZB agenda on January 8., namely 2018-0167 regarding removal of trees on Fish Island.

We moved to St. Augustine over a year ago because of its beautiful historic buildings and natural beauty. Since then we have witnessed the destruction of the natural beach waterfront with the massive Embassy Suites hotel and the destruction of trees and over development of Antigua on State Road 312. Now, there is a request for further development on Fish Island across the highway and the destruction of more trees.

We urge the Board to refuse this request in an effort to protect our environment. We fear removing the trees will increase the threat of flooding in the area and further development will create serious traffic congestion and destroy the natural habitat.

We appreciate your hard work on behalf of our beautiful community.

Elsie and Joseph Scarano

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 1:40 PM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Add my name please to NO development of any kind on Fish Island

-----Original Message-----

From: Pam Kleinsasser [mailto:motion8ster@gmail.com]
Sent: Friday, January 04, 2019 1:19 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; sshippp@gmail.com; jondepeter@gmail.com; jcbow@aicw.org; opsahl@Opsahllaw.com
Subject: Add my name please to NO development of any kind on Fish Island

Dear PZB members, I urge you deny the request to remove trees and build a retention ditch on Fish Island, item 7(d) 2018-0167.

Is nothing sacred anymore other than money? I think there is.

Sincerely,
Pam Kleinsasser
6906 Sea Place Ave
St Augustine FL 32086

Sent from my iPad

Tracey Mullins

From: Amy Skinner
Sent: Thursday, January 03, 2019 5:34 PM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; opsahl@theomlawfirm.com; sarah shipp ryan; Maurice Morissette
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island Retention Ditch [Item 7(d) 2018-0167]

-----Original Message-----

From: Janet Patten [mailto:janet911@gmail.com]
Sent: Thursday, January 03, 2019 4:34 PM
To: karen@97Park.com; gmisterly@gmail.com; sarah shipp ryan <sshipp@gmail.com>; jondeprieter@gmail.com; jcbow@aicw.org; opsahl@OpsahlLaw.com; Amy Skinner <askinner@citystaug.com>
Subject: Fish Island Retention Ditch [Item 7(d) 2018-0167]

Dear Members of the PZB,

Let me take this opportunity in the New Year to thank you for your service on the Planning and Zoning Board and your commitment to St. Augustine and its citizens. I realize your service is completely voluntary and I commend you for your dedication to our community.

As one of your early actions, I urge you to vote against the above agenda item, 7(d), to clear cut nearly 58,000sq. ft. of tree canopy containing preserved Oak and Cedar trees on Historic Fish Island without even an arborist report. The proposed 50 foot wide retention ditch on 1.3 acres is THREE times the size of the proposed commercial building. Certainly there must exist a more efficient and environmentally friendly solution. For example, there is practically another retention pond across the street or scale down the size of the building and parking lot to provide storm water retention on site.

Furthermore, this same parcel site numbered: 1622100021 and applicant was considered by the PZB on August 7, 2017, only five months ago and was unanimously rejected by the board and never referenced in the pending application. As you may be aware, there has been a groundswell of community and grassroots support and actions to preserve Fish Island for future generations. The proposed application would bulldoze over historically rich Fish Island while disturbing wildlife and environmentally sensitive wetlands on the banks of the Matanzas River.

Climate change is real and here now and cannot be ignored any further. I would hope the Board would take into overall consideration the irreversible damage this application does to our environment and the Matanzas River which is the ONLY healthy river system left in the entire state of Florida. We constantly see the damage the Antigua development has done to the northeast section of SR 312 and the Matanzas and it should never be repeated on the other side of the highway — the remainder of Fish Island. The destruction of the land for Antigua has forced wildlife into residential neighborhoods, i.e., bobcats in Davis Shores.

When I purchased property in St. Johns County over 40 years ago, I was attracted to its rich historic charm and pride in maintaining its sensitive lands and water. I never dreamed I would have to watch it being eroded. I trust you will do the right thing and vote against this application of Fish Island Development, LLC. Again I thank you for your service to our community.

Janet Patten
7265 A1A South

Tracey Mullins

From: Amy Skinner
Sent: Wednesday, January 02, 2019 8:34 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; mauricepmorisette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish island
Attachments: image1.png; ATT00001.txt; image2.png; ATT00002.txt; image3.png; ATT00003.txt; image4.png; ATT00004.txt

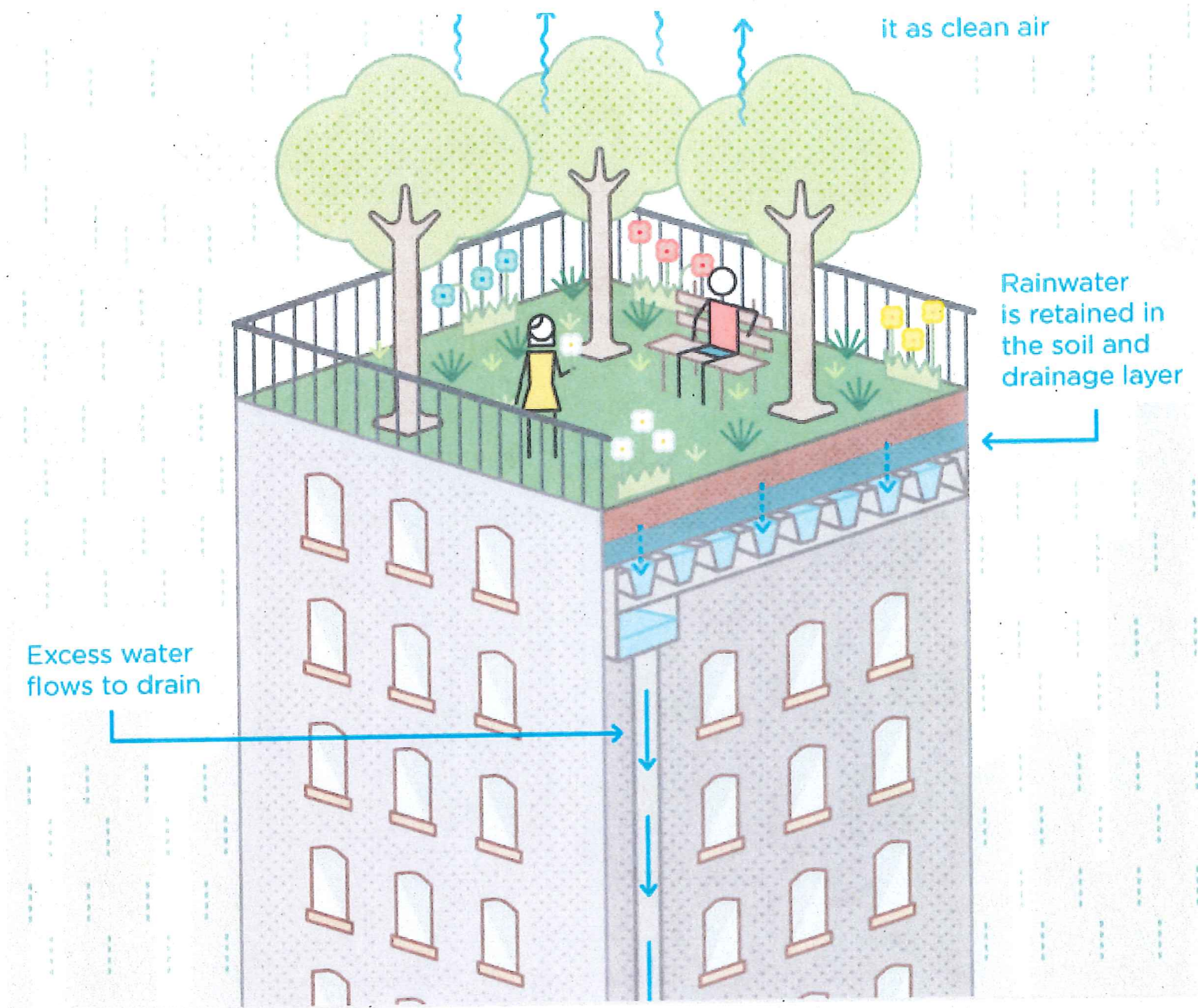
-----Original Message-----

From: Rebecca [mailto:rebeccacady@comcast.net]
Sent: Friday, December 28, 2018 6:58 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish island

To all committee members,

My thoughts on the request "to remove preserved trees for a linear retention pond to serve the neighboring parcel located at 162210-002" would be a negative response. The parcel referenced is zoned commercial and borders 312 and plantation drive. However, also referenced is the Fish Island Parcel of land. On the same PZB agenda there is a request to cut down trees at 700 Plantation Drive. The net result will be another Antigua like result not to mention even more traffic.

I have lived on Anastasia island for over 30 years. To look at a huge condominium at the foot of 312 has saddened tremendously. Please do not take any more trees down. Retention ponds are an obsolete way to negate overflow. Green roofs, rain gardens, bio retention swales, and underground storage systems(under paved surfaces) are more ecological way. I will be at the meeting for this subject. I have been a citizen here since 1979. My deceased husbands family since 1940s. Here are alternatives used all over the world.



Urban Water Melbourne - Ci...



Green roofs - City of Melbourne

Urban Water

12981-CoM-Green-roofs-for-stormwater-retention-
1090px



Niantic River Watershed



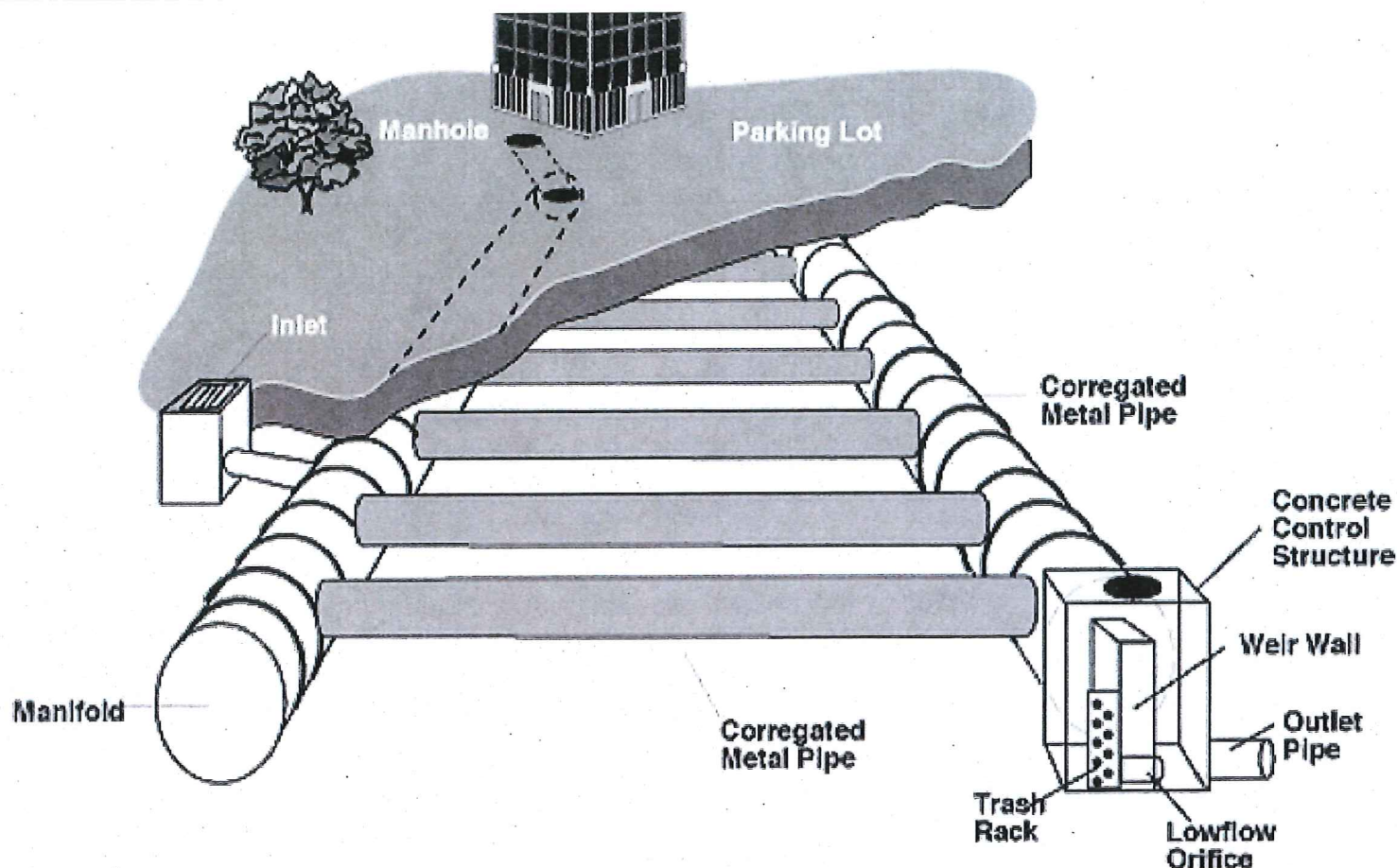
Upcoming Projects | Niantic River Watershed

A bio-retention basin at Doyle-Hollis Park in Emeryville, CA.

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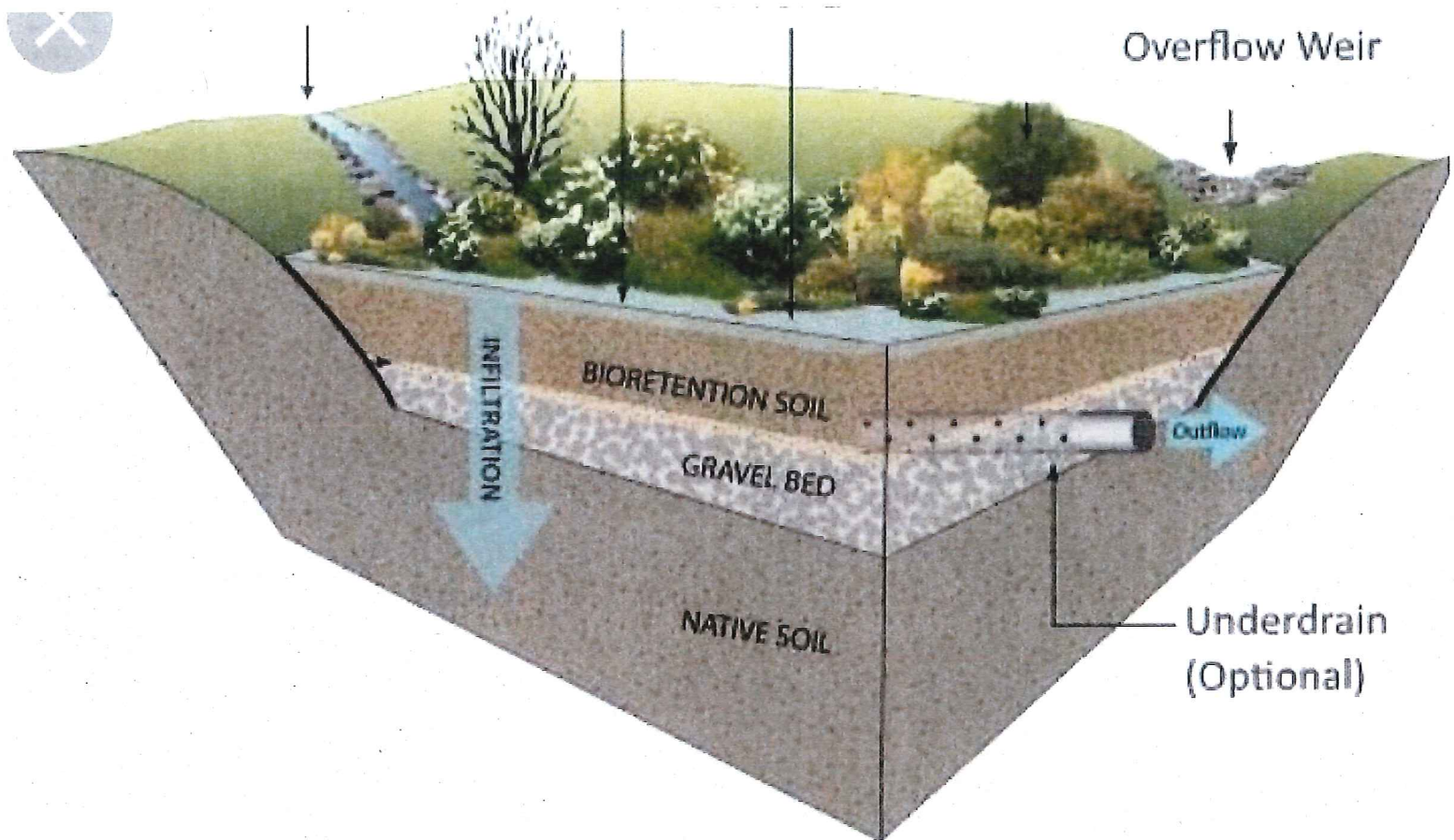
Typical Underground Stormwater Storage System

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FOR URBAN WATERSHEDS

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 2:33 PM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

-----Original Message-----

From: Frances Bacon [mailto:fabbacon@gmail.com]
Sent: Friday, January 04, 2019 2:31 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

Please do not allow the removal of any natural habitat in this area. Once you remove the trees, you have destroyed the wildlife's homes.

These trees have been designated as preserved for a reason. Once taken down, gone forever.

Frances Bacon
1340 Corunna St.
St. Augustine, Florida 32080-5605
Sent from my iPhone

Tracey Mullins

From: Amy Skinner
Sent: Wednesday, January 02, 2019 8:36 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; mauricepmorrisette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Conservation Overlay Zone Development 2018-0167

From: Maureen Long [mailto:modriver1@live.com]
Sent: Tuesday, January 01, 2019 11:05 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Conservation Overlay Zone Development 2018-0167

To All City Of St.Augustine Planning and Zoning Board Members,

The request by Fish Island Development LLC for the removal of 111 preserved trees for a linear retention pond to serve the neighboring parcel 1622100021 is too extreme for the 1.99 acres of land in question. The preservation of the forest canopy in the area along with the threat to local wildlife living within far outweighs the need for this road and ditch to be cut through for the sake of storm water runoff for an office complex. There are nearby retention ponds as well as the implementing of an additional retention pond on the edge of the Parcel that could accommodate the runoff from the site.

The historic and archeological value of the Fish Island Plantation Property is also a major consideration when discussing any excavation on this area of Anastasia Island. Not to mention the negative impacts on the local wildlife that use the forest as their refuge, along with those survivors who have relocated to Fish Island after their homes were destroyed by the Antiqua Townhomes.

The entire Fish Island Plantation Property from the 312 Bridge southward is a floodplain and the forest provides a buffer to the existing developments to the east and would be the only protection in the event of a hurricane or severe tropical storm. We all remember the yachts that were sitting in the trees where the proposed linear detention pond will spill out into the Matanzas River.

In regards to the Conservation Overlay Zone Development (d) 2018-0167 coming before your Board Tuesday, January 8th, 2018 in reviewing all of the available data obtained from the City of St.Augustine Staff Report and Recommendations to your Board along with the SJRWMD Permit reports, we have concerns on several issues that we have listed below:

A. City of St.Augustine Staff Report and Recommendation

Section 11-29. Staff Summary and Analysis:

1.a. An Arborist report has not been provided.

1.c. The statement that the removal of the trees will not have a detrimental effect on erosion and moisture retention.

1.e. Most of the trees being removed are preserved trees, again no Arborist report has been submitted.

1.f. We disagree with all statements regarding environmental impact, especially in regards to mitigation plantings and the time it will take for the new trees to grow to maturity.

B. The A3- Application to Planning and Zoning Board by Ryan Carter, regarding Parcel #1622100016, line 10 states that has any application been submitted to the PZB concerning any part of the subject property within the last year, dated 12/06/18, he checked the NO box. Records show this Parcel was brought before the PZB for Rezoning & Preliminary Subdivision Plat on July 3rd, 2018 and again on August 7th, 2018.

C. SJRWMD Permit Number:102001-9 states Wetlands: No

D. SJRWMD Application #102001-9 states that "There are **no wetlands** or surface waters in the proposed project area or immediately adjacent that could be subject to secondary impacts. There are no direct or secondary wetland or surface water impacts associated with this project."

1. The map used in 11/05/18 Correspondence: Plans Parcel 1 before 1.98 acre cut out clearly shows wetlands in the proposed construction area.
2. In several e-mail correspondences between Abbey Civil Engineers, Inc. and SJRWMD, between July 2018 and November 2018, numerous questions were asked by Chou Fang about 2007 previous drainage easement being reviewed and not approved by the district as well as groundwater drainage and base flood elevations.

Thank you for your time on this matter,
Maureen and Jim Long
1821 Castile St.
St. Augustine FL 32080
904-461-3994

Tracey Mullins

From: Amy Skinner
Sent: Friday, December 28, 2018 8:55 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; mauricepmorissette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: sushi3510@aol.com [mailto:sushi3510@aol.com]
Sent: Thursday, December 27, 2018 11:46 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

Please do not allow any development at Fish Island south of 312. All you need to do is look north across 312 and imagine all of those future residents trying to get out to 312. Allowing development at Fish Island will back up Plantation Island and all of the medical offices in that area.

Charles C. Willoughby
703-307-9652
sushi3510@aol.com

248 Joey Dr
St Augustine, FL 32080

Tracey Mullins

From: Amy Skinner
Sent: Friday, December 28, 2018 8:54 AM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow;
mauricepmorisette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

-----Original Message-----

From: Markus Hastings [mailto:mathstings@yahoo.com]
Sent: Thursday, December 27, 2018 6:03 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

Hi PZB members. Add my name to the list of many people who are disgusted and dismayed at the clear cutting of trees for development at Fish Island.

Please don't allow this. Our natural environment is critical to the ecological balance Saint Augustine needs to protect us as much as possible against flooding and other natural disasters. Also, it moves us another step closer to being just another shithole like Sunrise or Fort Lauderdale.

Regards,
Mark Hastings
Sunset Park
Saint Augustine

Tracey Mullins

From: Amy Skinner
Sent: Thursday, December 27, 2018 2:01 PM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow;
mauricepmorisette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Preserving Fish Island, etc.

From: hilly Zee [mailto:hillyzd@yahoo.com]
Sent: Thursday, December 27, 2018 1:34 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Preserving Fish Island, etc.

Attn PZB members:

As a St Augustine resident, I'd like to add my objection to plans for any further destruction to the natural beauty and habitat that exists along the Metanzas river by the 312 bridge.

We watched in horror as woods were cleared for the abysmal eyesore that is Antigua. My heart sinks every time I go over the bridge.

PLEASE PLEASE PLEASE do not allow any sort of damage to the remaining woods and marsh lands!

I have attended several meetings regarding development of Fish Island, and was relieved to hear that the proposed new gated community was denied, for now. One thing I have not been able to ascertain is...Who owns that land? And what do they want for it? I, for one, (and I'm guessing many many more residents) would be willing to do whatever it takes to preserve that area, if given the facts and opportunity.
We love it here precisely because of the remaining natural beauty. PLEASE DON'T DESTROY WHAT'S LEFT!

Thank you for your attention to this.

Hilly Zee
304 B St.
St Augustine

[Sent from Yahoo Mail on Android](#)

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 10:17 AM
To: Grant Misterl you; Karen Zander; jondepoter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

-----Original Message-----

From: scott smithner [mailto:smithnerscott@gmail.com]
Sent: Monday, January 07, 2019 10:02 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

I don't want to see further development on Fish Island, such as Antigua.

Thanks,
Scott Smithner
41 Weeden St, St Augustine

Sent from my iPhone

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 11:42 AM
To: David Harrell; Tracey Mullins
Subject: FW: "Don't Destroy Fish Island"

From: Jeff Corcoran [mailto:jsmcork@yahoo.com]
Sent: Monday, January 07, 2019 11:35 AM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepreter@gmail.com; jcblow@aicw.org; opsahl@OpsahlLaw.com
Cc: jsmcork@yahoo.com
Subject: "Don't Destroy Fish Island"

To: Planning and Zoning Board

Re: Fish Island Development LLC requesting approval to remove a large number of preserved trees on Fish Island to build a temporary linear retention pond

Please do not destroy Fish Island to build a temporary retention pond. Please deny this request and ask the applicant to find a less invasive way to mitigate the storm water.

I advocate for the preservation of all Fish Island land. I oppose this incremental encroachment of development on Fish Island land, the removal of such a large amount of preserved trees, the destruction of the upland buffer, and any decimation of the last remaining wildlife refuge for animals fleeing Antigua.

Thank you in advanced for your attention to this matter.

Sincerely,

Susan Corcoran

Resident of St. Augustine, Florida

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 11:52 AM
To: Grant Misterl you; Karen Zander; jondepoter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: kit cooper [mailto:kitcooper888@yahoo.com]
Sent: Monday, January 07, 2019 11:47 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

To Planning and Zoning Board:

PLEASE don't sell out to potential developers of Fish Island who want to devastate our historic St. Augustine for profit. Will there be any "green" left surrounding St. Augustine or will we be like South Florida, ie, strip malls and condos?

Antiqua is shockingly intrusive with questionable building heights: painful to look at. Many St. Augustine residents will be attending the January 8 PZB meeting . Whose interests will the PZB be representing?

Kit Cooper

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 11:57 AM
To: David Harrell; Tracey Mullins
Subject: FW: Jan 8 PZB mtg - Item 7(d) 2018-0167 - Fish Island - OPPOSED

From: Kathryn Schirmacher [mailto:wudang88@aol.com]
Sent: Monday, January 07, 2019 11:52 AM
To: gmisterly@gmail.com; sshipp@gmail.com; Karen@97Park.com; jondepreter@gmail.com; jcblow@aicw.org; opsahl@OpsahlLaw.com; Amy Skinner <askinner@citystaug.com>
Subject: Jan 8 PZB mtg - Item 7(d) 2018-0167 - Fish Island - OPPOSED

Dear PZB Members,

I urge you to DENY the request to remove trees and build a retention ditch on Fish Island.

I am in favor of preserving all Fish Island land, and vehemently oppose removal of preserved trees, destruction of the upland buffer, and eliminating the last remaining wildlife refuge for animals fleeing Antigua across SR 312.

Thank you.

Sincerely,

Kathryn Schirmacher
27 Locust St.
St. Augustine

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 11:58 AM
To: David Harrell; Tracey Mullins
Subject: FW: Fish Island Development

From: Michael Read [mailto:mickread@gmail.com]
Sent: Monday, January 07, 2019 11:55 AM
To: Amy Skinner <askinner@citystaug.com>; karen@97park.com; gmisterly@gmail.com; sshipp@gmail.com; jondeprieter@gmail.com; jcbow@aicw.org; opsahl@opsahlaw.com
Subject: Fish Island Development

Please deny the request of Fish Island Development LLC to remove trees and build a retention ditch on Fish Island. [Item7(d)2018-0167].

Don't cave in to developers and sacrifice long-term sustainability and beauty for short-term profit! Remember, trees produce oxygen. The fewer the trees, the less oxygen in our atmosphere and the greater amount of carbon dioxide. Consequent increased warming of our atmosphere will increase the number and power of hurricanes, and increase flooding. Think of our future!

Thank you,
Michael Read

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:05 AM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Please do not allow the removal of trees from Fish Island

From: Brian Paradise [mailto:bgparadise@comcast.net]
Sent: Saturday, January 05, 2019 4:41 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Please do not allow the removal of trees from Fish Island

Dear Board members,
Please deny any removal of trees from Fish Island.
Thanks.
Brian Paradise

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:06 AM
To: Grant Misterl you; Karen Zander; jondeprieter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Request to build retention ditch on Fish Island

From: Gail Payette [mailto:stillchicklet@bellsouth.net]
Sent: Sunday, January 06, 2019 10:55 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Request to build retention ditch on Fish Island

Please deny the request of Fish Island Development LLC to remove trees and build a retention ditch on Fish Island.

We're already losing the natural beauty of the island thanks to the Antigua "project" and the wild creatures are losing their homes.

What ever happened to St. Augustine and Anastasia Island? They're disappearing thanks to all the permits given to developers.

Most sincerely, Gail Payette, 959 Fish Island Place, St. Augustine, Florida 32080

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:07 AM
To: Grant Misterl you; Karen Zander; jondepoter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island "Temporary" Retaining Ditch

From: John Totushek [mailto:john tote03@yahoo.com]
Sent: Sunday, January 06, 2019 12:03 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepoter@gmail.com; jcbow@aicw.org; opsahl@OpsahlLaw.com
Subject: Fish Island "Temporary" Retaining Ditch

Dear PZB,

As a concerned citizen on Anastasia Island, I am requesting the board reject the application for the above. The developer will have to construct a permanent retaining pond to handle the runoff from the project and it would seem a better course of action to build that structure now rather than this large ditch.

This method would also allow the board to see how runoff would be handled on the larger development so that the "temporary" ditch did not become a permanent one.

Sincerely,

John and Jan Totushek

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:07 AM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: denise rohdin [mailto:deniserohdin@gmail.com]
Sent: Sunday, January 06, 2019 12:59 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

Dear CITY OF ST AUGUSTINE PLANNING AND ZONING BOARD (PZB)

AGENDA ITEM (d) 2018-0167
Ryan Carter –Applicant
Fish Island Development LLC – Owner

I don't want to see another development like "Antigua" on the South side of SR 312.

The PZB on August 7, 2018 unanimously denied an older request. Fish Island Development LLC is now making this new request to the PZB in order to build a "temporary" linear retention pond to serve the soon to be constructed Fish Island Village, described as a 20,056sf commercial office center on 3.3 acres of land to be located south of SR 312 – at the corner of SR 312 and Plantation Drive.

I don't want this request to remove preserved trees in Conservation Overlay Zone 3, approved, as it will result in bulldozing and removing all trees in a linear path of destruction 50ft wide, totaling some 57,000sf over 1.33 acres through the well-established tree canopy, upland buffer, and wildlife habitat on Fish Island land.

I advocate for the preservation of all Fish Island land. We oppose this incremental encroachment of development on Fish Island land, the removal of any preserved trees, the destruction of the upland buffer, and any decimation of the last remaining wildlife refuge for animals fleeing Antigua.

I don't want to see another development like "Antigua" on the South side of SR 312.

Denise Rohdin

Maker & Artist

207~660~2369

deniserohdin@gmail.com

Hold something in your hands each day that was created by hand.

Denise Rohdin

Maker & Artist

207~660~2369

deniserohdin@gmail.com

Hold something in your hands each day that was created by hand.

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:09 AM
To: David Harrell; Tracey Mullins
Subject: FW: Concern over Fish Island

From: Leonard Kay [mailto:lccr1leonard@yahoo.com]
Sent: Sunday, January 06, 2019 9:14 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepoter@gmail.com; jcblow@aicw.org; opsahl@OpsahlLaw.com
Subject: Concern over Fish Island

Being a long time resident of Anastasia Island, I am very disappointed with the potential commercial construction being discussed for Fish Island. The removal of significant number of trees that is being proposed in order to construct a retention ditch for such a development is a first step in causing irreversible damage to the natural beauty of the Island, its historical significance, its wildlife and the shoreline of the River. I strongly urge the board to reject this proposal.

Leonard and Camille Kay

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:10 AM
To: David Harrell; Tracey Mullins
Subject: FW: Deny tree removal for Fish Island village

From: Judith Seraphin [mailto:judith@globalwrap.com]
Sent: Sunday, January 06, 2019 11:03 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepoter@gmail.com; jcbow@aicw.org; opsahl@OpsahlLaw.com
Subject: Deny tree removal for Fish Island village

Commissioners,

Please, please, please deny the request to remove trees to create a retainage pond on Fish Island, for the Fish Island Village.

This very important mature tree canopy area should not be destroyed. Losing 57,000 sq. ft of woodland to more homes and development is not the legacy we want to leave for our children. Please stop Fish Island. Soon there will be no trees left, just houses, office buildings, shopping centers etc.

It is difficult to drive over the 312 bridge now, and more traffic is impacting everyone's quality of life:

Thank You,

Judith Seraphin

102 South Street

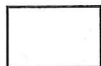
St Augustine FL 32084

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:10 AM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: fish island

From: elisa nevel [mailto:elisanevel@gmail.com]
Sent: Monday, January 07, 2019 7:07 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: fish island

PLEA SE DENY the fish island request as another negative impact on our environment. It has to stop that money is changing forever our natural special areas that protect our shores and inland forests



Virus-free. www.avast.com

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:10 AM
To: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: David Lowther [mailto:dlowther@coordinatesolutions.com]
Sent: Monday, January 07, 2019 7:25 AM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepoter@gmail.com; jcbow@aicw.org; opsahl@OpsahlLaw.com
Subject: Fish Island

PZB Members,

I support for the preservation of Fish Island.
Please deny the request to remove trees and build a retention ditch Item 7(d) 2018-0167.

Thank you,

Dave Lowther
268 St George Street

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 9:26 AM
To: David Harrell; Tracey Mullins
Subject: FW: request to remove trees and build a retention ditch on Fish Island [Item 7(d) 2018-0167].

-----Original Message-----

From: Sue Agresta [mailto:sagresta@comcast.net]
Sent: Monday, January 07, 2019 9:23 AM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; sshipp@gmail.com; jondeprieter@gmail.com; jcbow@aicw.org; opsahl@OpsahlLaw.com
Subject: request to remove trees and build a retention ditch on Fish Island [Item 7(d) 2018-0167].

Unfortunately I cannot attend the PZB meeting Tuesday, January 8th, but am concerned that no arborist report accompanies the above application. The PZB mandates applications in conservation zones include an arborist report and yet this large area of tree removal simply extrapolates from a relatively small sampling. I do not think it serves the City well to allow shortcuts when dealing with sensitive areas and would suggest continuing this request until the necessary information is supplied.

Sincerely,

Sue Agresta
168 Oneida Street

Tracey Mullins

From: Amy Skinner
Sent: Friday, January 04, 2019 3:52 PM
To: Grant Misterl you; Karen Zander; jondepoter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Oppose Fish Island Tree Removal and Retention Pond

From: Curtis Finney [mailto:tyrolmt@comcast.net]
Sent: Friday, January 04, 2019 3:42 PM
To: Opsahl@opsahlaw.com; jcbow@aicw.org; Karen@97park.com; gmisterly@gmail.com; jondepoter@gmail.com; sship@gmail.com; Amy Skinner <askinner@citystaug.com>
Subject: Oppose Fish Island Tree Removal and Retention Pond

Dear Planning and Zoning Board Members,

We are writing this letter to express our opposition to the proposal by Fish Island Development, LLC. The proposed development, a "temporary" linear pond, just doesn't make sense. If approved, this linear path will remove preserved and protected trees and impact wildlife, and water quality, destroying the upland buffer and last remaining refuge for wildlife that had to flee Antigua.

As a member of Friends of Fish Island, we join others in opposing this incremental encroachment of development on Fish Island land. We respectfully request that you NOT approve this linear path of destruction. Thank you for your time and attention to this matter.

Sincerely,
Erin and Curtis Finney

Tracey Mullins

From: Amy Skinner
Sent: Friday, December 28, 2018 3:28 PM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow; mauricepmorisette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Hearing to Remove Preserved Trees for a Linear Retention Pond to Serve the Neighboring Parcel Located at 162210-002

From: Barbara Isacson [mailto:barbaraisacson@gmail.com]
Sent: Friday, December 28, 2018 1:54 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Hearing to Remove Preserved Trees for a Linear Retention Pond to Serve the Neighboring Parcel Located at 162210-002

TO: Grant Misterly, Chair; Karen Zander, Vice-Chair; Maurice Morisette; Christina Opsahl; J. Carl Blow; Jon DePreter; Sarah Shipp Ryan

I am very disturbed that a request was made to remove preserved trees for a linear retention pond to serve the neighboring parcel located at [162210-002](#). The parcel referenced is zoned commercial and borders 312 and Plantation Drive. However, also referenced is the Fish Island Parcel of land. On the same PZB agenda there is a request to cut down trees at 700 Plantation Drive. The net result will be another Antigua like result not to mention even more traffic.

Residents on Anastasia Island are very angry about the possible development of this Fish Island property where deer and other animals live along with eagles who make their nests in the preserved trees.

It is bad enough that we have to look at that monstrosity of condo buildings, 4 stories high, next to the 312 Bridge that are taller than the 35 foot height restriction we have in St. Augustine. I would like to know who approved this height variance and allowed the builder to build these buildings so close to the 312 bridge. All the way from A1A, you can see these massive, hideous structures.

Our lovely island has been ruined by the Embassy Suites Hotel's height and massive size and now this new development with its massive condo buildings that stick out like a sore thumb from every angle. I moved to Anastasia Island because it was not built up like Jacksonville Beach, Palm Coast, Ormond Beach and Daytona. Now, I am regretting my decision as this island is going to be one big traffic jam on SR 312 and A1A South with approximately 900 more cars coming and going from Antigua along with the Embassy Suites Hotel guests coming and going on the island.

We need to put a stop to these destructive decisions by our planning board. Many residents will be attending your meeting on January 8, 2018 to make our voices heard to stop this development.

Sincerely,
Barbara Isacson

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 3:13 PM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: Judy Shannon [mailto:Judith.Shannon@live.com]
Sent: Monday, January 07, 2019 2:47 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

Please help the community to preserve the beauty and ecological importance of Fish Island. Clear cutting the tree canopy for a "ditch" is folly.

Thank you, Judith Shannon

Judy

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 3:14 PM
To: Grant Misterl you; Karen Zander; jondepoter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: PLEASE!!! NO MORE LAND CLEARING! DENY! DENY! DENY!

From: adixon5966@aol.com [mailto:adixon5966@aol.com]
Sent: Monday, January 07, 2019 3:02 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: PLEASE!!! NO MORE LAND CLEARING! DENY! DENY! DENY!

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 3:15 PM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island Massacre

From: Nana Royer [mailto:nanaroyer@gmail.com]
Sent: Monday, January 07, 2019 3:02 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island Massacre

PZB members,

I cannot be at the meeting tomorrow, and I am asking that you please deny the request by Fish Island Development to remove trees and build a retention ditch on Fish Island. Any natural biodiverse areas remaining are precious and need to be secured.

Thank you

Nana Royer
6 Willow Dr
St Augustine, FL 32080

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 3:15 PM
To: David Harrell; Tracey Mullins
Subject: FW: Fish Island Village hearing, Jan 8

-----Original Message-----

From: Mary Kellough [mailto:lkellough@comcast.net]
Sent: Monday, January 07, 2019 3:02 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97park.com; gmisterly@gmail.com; shipp@gmail.com; jondeprieter@gmail.com; jcbow@aicw.org; opsahl@opsahlaw.com
Subject: Fish Island Village hearing, Jan 8

Please say No to any development on Fish Island for 3 reasons:

- 1) It is an Historical Site dating back to the first Spanish period (isn't St Augustine a history destination?)
- 2) Fish Island is a bald eagle habitat with a beautiful tree canopy. Isn't our natural beauty a vacation focus?
- 3) Coastal marsh, grass and other natural barriers are vital to protecting coastal communities from increasingly destructive storms.

Please, No development on Fish Island!

A resident of the City of St Augustine Beach

Mary Kellough

Sent from my iPhone

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 5:23 PM
To: David Harrell; Tracey Mullins
Subject: FW: Fish Island - Item7(d) 0167

From: RICHARD & DEENA GALANTOWICZ [mailto:regdmg@bellsouth.net]
Sent: Monday, January 07, 2019 5:20 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97Park.com; gmisterly@gmail.com; jcblow@aicw.org; opsahl@OpsahlLaw.com; sshipp@gmail.com; jondeprieter@gmail.com
Subject: Fish Island - Item7(d) 0167

Dear Board Members:

I am writing to ask that you deny Fish Island Development's request to build a "temporary" linear retention pond to serve their Fish Island Village development (*Item: 7(d) 2018-0167*).

My wife and I have been residents of St. Augustine Beach for 28 years, and I served on the SAB PZB for ten years. In addition, I worked in the conservation and land planning fields for almost 50 years. We travel the 312 Bridge many times a week and have been shocked by the massive scale of the recent apartment development on the north side of 312. It would be even more distressing to also witness any destruction of the existing natural area on the south side. The size of the requested retention pond, requiring the destruction of over an acre of trees and wildlife habitat, hardly seems like a temporary move, but more like the first step leading to the destruction of more of the Fish Island habitat. We must not destroy more flood plain areas with development.

Therefore, we ask you to deny the request to remove existing tree cover, and we urge you to do all you can in the future to prevent the development of Fish Island.

Richard Galantowicz

49 Ocean Ct.
St. Augustine Beach

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 1:11 PM
To: Grant Misterl you; Karen Zander; jondeprieter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: January 8, 2019 Planning & Zoning Board Meeting

From: Diane Blewett [mailto:blewettrealty@gmail.com]
Sent: Monday, January 07, 2019 12:53 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: January 8, 2019 Planning & Zoning Board Meeting

I am writing to respectfully request that the Board deny approval of Agenda items 7.(d) and 7.(f) or anything that could be construed as a gateway to allow moving forward on development of Fish Island.

Prior meetings have established Historical, Ecological, and Environmental reasons why development of Fish Island should be denied. I won't repeat those.

It is my understanding that the PZB approved development of Fish Island over 10 years ago. Since that period of time, there have been dramatic increases in the population of St. Johns County (population has doubled in the last 17 years). These population increases have had a major impact on traffic. This is especially true on SR 312 (a designated Evacuation Route from Anastasia Island).

The Antigua development is located directly opposite the proposed Fish Island development. Since this is still under construction, no impact of increased traffic has yet been added to the already congested traffic on SR 312 from A1A to and through US 1. A new Traffic Impact Analysis (TIA) which would include Antigua and other recent developments might be in order.

The Tipping Point is the critical point in an evolving situation that leads to a new and irreversible development. Is this that point?

Diane Blewett
17 Anastasia Lakes Dr.
904-669-7512

Tracey Mullins

From: Amy Skinner
Sent: Monday, January 07, 2019 1:12 PM
To: David Harrell; Tracey Mullins
Subject: FW: Future of Our Community

From: Lisa McGreevy [mailto:l.mcgreevy@att.net]
Sent: Monday, January 07, 2019 1:09 PM
To: Amy Skinner <askinner@citystaug.com>; Sarah Shipp Ryan <sshipp@gmail.com>; Grant Misterl You <gmisterly@gmail.com>; 97Park <karen@97park.com>; jcblow@aicw.org; opsahl@opsahlaw.com; jondepreter@gmail.com
Subject: Future of Our Community

Thank you for your service to our community. As you begin 2019, we ask that you look at ways that our community can be preserved. We are rapidly losing tree canopy to development along with other land that until now has not yet been developed.

Many in our community and indeed in the entire county are frustrated at the rapid pace of growth that we are currently experiencing. We recognize that much of this growth was zoned many years ago, but the rapid pace of this development is having an adverse impact on those who currently live here as well as those who visit.

We have been fortunate to be able to share our beautiful city with many visitors who come here to experience the history and our picturesque town. Continued loss of open space, trees and wetlands and river views will not accrue to the value proposition of making residents and visitors happy.

There are several proposals today before you in which you could ask the developers to help keep our town beautiful:

1. Fish Island Villages: It is difficult to understand why a 50 foot wide, 1.3 acre drainage ditch is needed for storm water. None of the existing properties have such a ditch. The irreparable damage caused by this proposed ditch is very hard to justify as it will be visually unpleasing, destroy the tree canopy, further uproot wildlife and disturb this beautiful land. Please guard against another Antigua.

While most of us would prefer no building at the corner of 312 and Plantation Island Drive South, we understand that it has already been zoned for development. I respectfully ask that you request the developer to mitigate the storm water in another fashion as well as modify the building and parking lot design to fit with the adjacent buildings. Vegetation buffers would also help mitigate the impact of this new building.

2. 700 Plantation Drive: The request to take down 50% of tree canopy is understandable in order to build a commercial building. However, I would ask that you require a tree/vegetation barrier be enacted on the 312 side of the property. One of the major gateways to our Island is the 312 corridor and keeping it beautiful will benefit all of us who use that road.

As you know there is building citizen backlash against the "unbridled" growth in this area. How can we as a community come together to mitigate the repercussions of this growth? We stand ready to help.

Lisa and Terry McGlynn

410 Ocean Breeze Lane

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 8:55 AM
To: Grant Misterl you; Karen Zander; jondeprieter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Preservation of Fish Island

-----Original Message-----

From: Gail Logan [mailto:lolly3@bellsouth.net]
Sent: Tuesday, January 08, 2019 8:36 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Preservation of Fish Island

As a resident and nature lover, I am asking that you deny the application to build a temporary linear pond (bulldozing numerous trees in the process) on Fish Island south of the 312 bridge ... and ultimately, to deny construction there. Please, please preserve that portion of the land, the trees and creatures that live there. The development just north of the 312 bridge is a nightmare!

Thank you,
Gail Logan

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 8:55 AM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island retention pond

From: Walter Coker [mailto:wecoker@gmail.com]
Sent: Tuesday, January 08, 2019 8:26 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island retention pond

Dear Board Members,

I urge you to deny the removal of protected trees for the proposed linear retention pond in the Fish Island Village development. Our remaining precious tree canopy becomes more and more valuable as it is rapidly removed from surrounding areas. Please protect it!

Thank-you,

Walter Coker

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 8:56 AM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morisette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

-----Original Message-----

From: Melinda Strock [mailto:strockmm@bellsouth.net]
Sent: Tuesday, January 08, 2019 8:25 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

Please do not allow the Fish Island Village or the temporary linear retention pond for any development of Fish Island. Why are we determined to ruin any of what is left of our historic city. Developers don't care and those newcomers to our ancient city don't either. Some of us care not only about our history, but also the mess this will create on 312. Makes many of us wonder about the qualifications of those who are supposed to be thinking about all of the aspects of a development like this. This property should be protected and the owner should be seeking a purchaser from one of the groups who protect precious pieces of land like this. I am from a family who have been here for many years - we expect some progress, but this is not progress - Please protect what we have left - Jesse Fish was an important part of our history and so is this property.
Melinda Wiles Strock

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 8:56 AM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morisette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish island

-----Original Message-----

From: Susan Marcoccio [mailto:susanmarcoccio@gmail.com]
Sent: Tuesday, January 08, 2019 8:09 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish island

We severely oppose the clear-cutting and any destruction and/or development of the land south of the 312 bridge, known as Fish Island. At your meeting today please vote to preserve this area.

Regards,
Donald & Susan Marcoccio
534 Turnberry Lane
St. Augustine

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 8:56 AM
To: David Harrell; Tracey Mullins
Subject: FW: Please Keep St Augustine Natural-please deny the retention pond

-----Original Message-----

From: Kevin McDonough [mailto:rhode2ohio@yahoo.com]
Sent: Tuesday, January 08, 2019 8:06 AM
To: Amy Skinner <askinner@citystaug.com>; karen@97park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepreter@gmail.com; jcblow@aicw.org; opsahl@opsahlaw.com
Subject: Please Keep St Augustine Natural-please deny the retention pond

We commend you for your past decision against the destruction of Fish Island and we beseech you to continue a smart growth approach to development and preserve those few remaining special natural areas of St Augustine.

We are from Palm Coast but we love St Augustine and St Augustine is what makes this part of Florida so special. The history and culture and the natural beauty of the area is what we love. It is not the new Walmart or strip mall that makes it special. Over-development creates a homogenized mess and destroys the sense of place that separates northeast Florida from other parts of Florida that have been lost.

We ask the leaders and elected officials of St Augustine do our part locally in fighting climate change and protect the tree canopy that helps prevent global warming and offsets the carbon dioxide we pour into the atmosphere. Every small step adds up to big results.

We ask that you vote against the request of Fish Island Development, LLC to destroy over an acre of mature trees for the sake of a temporary linear retention pond.

We appreciate your consideration of our opinion.

Sincerely,

MaryLee & Kevin McDonough
6 Kingfisher Lane
Palm Coast, FL
rhode2ohio@yahoo.com

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 8:57 AM
To: David Harrell; Tracey Mullins
Subject: FW: [ActiononUnbridledGrowthSJC] Objection to application to cut down trees for a temporary retaining pond on Fish Island

From: skchambers001@bellsouth.net [mailto:skchambers001@bellsouth.net]
Sent: Tuesday, January 08, 2019 7:21 AM
To: ActiononUnbridledGrowthSJC@yahoogroups.com
Cc: john.carl.blow@gmail.com; gmisterly@gmail.com; sr@sarahryanarchitect.com; karen@97park.com; mauricepmorrisette@gmail.com; jondeprieter@gmail.com; opsahl@theomlawfirm.com; Amy Skinner <askinner@citystaug.com>
Subject: Re: [ActiononUnbridledGrowthSJC] Objection to application to cut down trees for a temporary retaining pond on Fish Island

Please add my name to Ms. Hope's opposition letter below. It is unfathomable that this is even being considered.

Sharon Chambers
1810 Shore Drive
St. Augustine, Florida 32086

Sent from my iPhone

On Jan 7, 2019, at 10:47 PM, 'Ruth Hope' Ruth.Hope@verizon.net [ActiononUnbridledGrowthSJC] <ActiononUnbridledGrowthSJC@yahoogroups.com> wrote:

I am writing to register my opposition to the latest developer request for Fish Island.

I oppose the proposal to cut down over 100 irreplaceable mature trees to construct a 50-foot, 1.3 acre "temporary linear retaining pond" for a new commercial building at 312 and Plantation Drive. Wanton destruction of natural habitat for a temporary retaining pond is unconscionable and not what is needed in St Augustine where we have just lost acres of mature trees clear cut by the Antigua development. Construction of a high-density community by the Fish Island Marina and SR 312 is not just an eyesore, a loss of natural habitat and buffer against storm surges, it is placing the more than 100 homes in danger of rising seas, and tidal surges at both King tides and storms.

Fish Island is the last remaining natural area in St Augustine and is also a historical site that should be saved as a natural and historic preserve for the benefit of wildlife, current residents and visitors to St Augustine and St Johns County, and future generations of residents and visitors.

I urge members of the PZB to say no to this latest application that would destroy one of the treasures in our natural resources.

Sincerely, Ruth Hope

Dr Ruth Hope

133 Neptune Rd

St Augustine

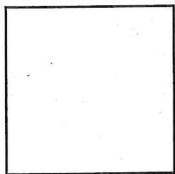
FL 32086

Phone: [+1-703-283-6157](tel:+1-703-283-6157)

Alternative email: ruth.hope100@gmail.com

Posted by: "Ruth Hope" <ruth.hope@verizon.net>

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Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 8:57 AM
To: Grant Misterl you; Karen Zander; jondeprieter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: Jeffrey Sturtevant [mailto:jsturtevant@hotmail.com]
Sent: Tuesday, January 08, 2019 7:02 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

Good morning,

Please deny D.R. Horton's request to remove 100 trees on Fish Island for a 'temporary' retention pond. The damage done will be permanent.

In fact, I'm opposed to any development on Fish Island. I believe it should be preserved in its entirety.

Please don't make the same mistake as what happened with Antigua. That development is the biggest eyesore I've seen to date.

Thank-you,

Jeff Sturtevant
St. Augustine Beach

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:00 AM
To: David Harrell; Tracey Mullins
Subject: FW: Objection to application to cut down trees for a temporary retaining pond on Fish Island

From: Ruth Hope [mailto:ruth.hope@verizon.net]
Sent: Monday, January 07, 2019 10:48 PM
To: john.carl.blow@gmail.com; gmisterly@gmail.com; sr@sarahryanarchitect.com; karen@97park.com; mauricepmorrisette@gmail.com; jondeprieter@gmail.com; opsahl@theomlawfirm.com
Cc: Amy Skinner <askinner@citystaug.com>
Subject: Objection to application to cut down trees for a temporary retaining pond on Fish Island

I am writing to register my opposition to the latest developer request for Fish Island.

I oppose the proposal to cut down over 100 irreplaceable mature trees to construct a 50-foot, 1.3 acre "temporary linear retaining pond" for a new commercial building at 312 and Plantation Drive. Wanton destruction of natural habitat for a temporary retaining pond is unconscionable and not what is needed in St Augustine where we have just lost acres of mature trees clear cut by the Antigua development. Construction of a high-density community by the Fish Island Marina and SR 312 is not just an eyesore, a loss of natural habitat and buffer against storm surges, it is placing the more than 100 homes in danger of rising seas, and tidal surges at both King tides and storms.

Fish Island is the last remaining natural area in St Augustine and is also a historical site that should be saved as a natural and historic preserve for the benefit of wildlife, current residents and visitors to St Augustine and St Johns County, and future generations of residents and visitors.

I urge members of the PZB to say no to this latest application that would destroy one of the treasures in our natural resources.

Sincerely, Ruth Hope

Dr Ruth Hope
133 Neptune Rd
St Augustine
FL 32086

Phone: [+1-703-283-6157](tel:+1-703-283-6157)

Alternative email: ruth.hope100@gmail.com

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:01 AM
To: Grant Misterl you; Karen Zander; jondeprieter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

-----Original Message-----

From: Frances Cubbedge [mailto:cubb601@att.net]
Sent: Monday, January 07, 2019 9:02 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

To whom It May Concern:

Please do not remove any more trees and destroy the eco system on Fish Island. The last of our natural marshes. I am a St Augustine native and my ancestors are among the original Menorcans. We are horrified at what the politicians are doing to our beautiful St. Augustine and surrounding area, breaks my heart.

Sue Cubbedge

Sent from my iPad

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:01 AM
To: David Harrell; Tracey Mullins
Subject: FW: Save Fish Island from being developed for a retention pond

From: SaveFishIsland [mailto:savefishisland@gmail.com]
Sent: Monday, January 07, 2019 8:28 PM
To: gmisterly@gmail.com; jcblow@aicw.org; jondepreter@gmail.com; Karen@97Park.com; Opsahl@OpsahlLaw.com; Amy Skinner <askinner@citystaug.com>; sshipp@gmail.com
Subject: Save Fish Island from being developed for a retention pond

Dear PZB Members:

On behalf of the Friends of Fish Island, we write to respectfully ask you to oppose the building of a 1.33 acre temporary linear retention pond on Fish Island.

This proposed 50 foot wide ditch would have a major impact on the beauty of this special land and would affect the natural habitat, wildlife and ecology.

We ask that you deny this request and instead direct the developers to find an alternate way to mitigate the storm water.

Please preserve this special piece of land. The path of destruction caused by the building of Antigua continues to be shocking.

Fish Island is precious and we are grateful that the PZB has also recognized the historical and ecological importance of this land.

Please preserve the tree canopy as well as the historical and ecological significance of Fish Island.

Respectfully submitted,

Lisa McGlynn
on behalf of Friends of Fish Island

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:01 AM
To: Grant Misterl you; Karen Zander; jondepote@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Please save Fish Island

From: Dawn [mailto:d.seefried@comcast.net]
Sent: Monday, January 07, 2019 8:35 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Please save Fish Island

Please deny this application and save Fish Island. We don't need any more buildings, people or traffic congestion. Let the beauty of the Island remain and allow the wildlife to live in this beautiful open area. Please save our trees!!

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:01 AM
To: David Harrell; Tracey Mullins
Subject: FW: Fish Island situation

From: barb berg [mailto:bberg36@gmail.com]
Sent: Monday, January 07, 2019 8:25 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97park.com; gmisterly@gmail.com; sshipp@gmal.com; jondepoter@gmail.com; Jcblow@aicw.org; opsahl@opsahlaw.com
Subject: Fish Island situation

Dear PZB,

I don't understand why we are approving so much development right along the river!!! It's so crazy! We have so much traffic on the 312 bridge already that it boggles most of us who watched the housing go up on the north side and wonder, how the heck is that going to work?

And now? We are still discussing removing the natural protection that IS this Island and put in a "Fish Island Village"? It's just so unproductive to take out nature, basically making this beautiful city safe and awesome to be in, and create more buildings and more traffic without the infrastructure to support this area of development.

I honestly don't understand why anyone could possible think this is okay. Please preserve our precious trees and not allow a retention pond or anything that's going to create more traffic and more destruction. I would request that nothing get built on that property and leave it to enforce and enhance what we all love about living here!

I am unable to make the meeting tomorrow, but please know as a St. John's county resident and someone who could greatly be impacted by these new developments, I strongly ask and urge you to deny this request.

Thank you for your time.

Sincerely,
Barb Berg

6100 A1A S, Unit 217
St. Augustine, FL 32080

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:02 AM
To: Grant Misterl you; Karen Zander; jondepoteer@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: Beach Bunny [mailto:beachbunny710@gmail.com]
Sent: Monday, January 07, 2019 8:06 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

As a native St. Augustinian, I emlore you to please preserve this last remaining eco natural parcel of fish Island for trees, plants and wildlife and the beautification of our city. Thank you for your utmost consideration of this matter.

Sincerely,
Julie Wingo-Washington

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:02 AM
To: Grant Misterl you; Karen Zander; jondepreter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Fish Island

From: Willemijntje Hoogerwerf [mailto:wahooger@yahoo.com]
Sent: Monday, January 07, 2019 7:40 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Fish Island

To whom it may concern,

Please preserve Fish Island. Saint Augustine as we know it, will never be the same without it. Wildlife has no places to go. Save our city. The construction set by Horton is appalling. Stop the process. Please.

Sandra Hoogerwerf, MD
941 North Griffin Shores Drive
Saint Augustine, FL 32080

[Sent from Yahoo Mail for iPhone](#)

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:02 AM
To: David Harrell; Tracey Mullins
Subject: FW: URGENT JAN. 8: ITEM (d) FISH ISLAND -- PLEASE DENY!!!

From: Waldhari [mailto:19.riverofmay.90@gmail.com]
Sent: Monday, January 07, 2019 6:31 PM
To: Amy Skinner <askinner@citystaug.com>; karen@97park.com; gmisterly@gmail.com; sshipp@gmail.com; jondepere@ gmail.com; jcbloew@aicw.org; opsahl@opsahlaw.com
Subject: URGENT JAN. 8: ITEM (d) FISH ISLAND -- PLEASE DENY!!!

Dear PZ&B Members:

For your information. URGENT.

The Fish Island issue before you today Is not only about the location of clearing trees and retention pond.

It's ALL about DRAINAGE and the lack of PROTECTION OF NATIONAL REGISTER RESOURCES..

This project will ADVERSELY IMPACT Fish Island because water will funnel from the development to the existing retention pond and this DRAINAGE WILL IMPACT that part of Fish Island which is IN THE NATIONAL REGISTER.

Both the U. S. Army Corps of Engineers and the Florida Dept. of State MUST be involved in the planning and permitting processes. That is, EACH AGENCY MUST ACT.. BOTH institutions dropped the ball.

The Corps of Engrs notified the FL DOS of the project, asking whether this project would have any impacts.ON CULTURAL RESOURCES.

The FL DOS had 30 days to respond and DID NOT.

This clusterf*** provided NO OVERSIGHT for Fish Island. As a NATIONAL REGISTER SITE, it trips involvement and ACTIONS for protection from the feds and the state.

NO ONE followed through. Not at the Corps, not at the FL DOS.

UPSHOT: The Corps of Engineers GAVE PERMITS TO THE DEVELOPER TO PROCEED. WITHOUT the state performing a cultural review. They now CAN do whatever they wish. **NO OVERSIGHT ON CULTURAL RESOURCES AT ALL.** This alone negates in toto the issue before you today. Please DENY it. Fully.

This total breakdown in TWO government agencies is enough to stop this outrage with YOU.

This is a HUGE STORY.

Full caps due to my utter frustration and rage.

January 8, 2019, will NOT be a day of infamy.

I will call and email Jessica Clark at once.

There is no justification for allowing this significant site to be loop-holed.

Thank you.

Clara Waldhari
St. Augustine

Tracey Mullins

From: Amy Skinner
Sent: Tuesday, January 08, 2019 9:50 AM
To: Grant Misterl you; Karen Zander; jondeprieter@gmail.com; John Blow; Maurice Morissette; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Preservation of all Fish Island land

From: Kim Graf [mailto:Kim.Graf@blueprinttrial.com]
Sent: Tuesday, January 08, 2019 9:14 AM
To: Amy Skinner <askinner@citystaug.com>
Subject: Preservation of all Fish Island land

To whom it may concern,

I beg you to consider a different alternative to bulldozing trees on fish island for a retention pond. We are quickly destroying the beauty, habitat of so many animals and the reason so many want to come to St Augustine. Not just for the city but our beautiful natural Florida. - please oppose the proposed 50 foot 1.3 acre "temporary linear retaining pond" that is being proposed for a new commercial building at 312 and Plantation Drive. This will cut down over 100 trees for this "temporary" ditch.

Please advocate for the preservation of all Fish Island land and oppose this incremental encroachment of development on Fish Island land, the removal of such a large amount of preserved trees, the destruction of the upland buffer, and any decimation of the last remaining wildlife refuge for animals fleeing Antigua.

We are asking the PZB to preserve Fish Island and deny this application. If a building is going to be built (already zoned) why can't they mitigate storm water in some other way.

Thank you and thank you for generations to come,

Kimberly Graf

32084

Fish Island's Historical Past: A Citizen's Perspective on
What We Stand To Lose

By Susan M. Hill and Jon D. Hodgin

September 2018

St. Augustine, Florida

To: Ms. Opsahl
From: Sun Hill

Fish Island's Historical Past: A Citizen's Perspective on What We Stand To Lose

What We Stand to Lose

Sometimes we don't realize the value of something until we stand to lose it, forever. Such is the case with Fish Island, that pristine piece of Old Florida that we have all grown so accustomed to seeing, alongside the Matanzas, in all of its splendor. Flocks of Roseate Spoonbills, gathering at dusk along its wetlands are a common sight, and one that, perhaps, we have taken for granted. Looking across the 312 Bridge to the decimation being done from the development called, Antigua, one can't help but wonder: When will be the last time we see them there? The detrimental impact of development upon this area will be immense and irreversible.

D.R. Horton, the largest home developer in the country, plans to decimate Fish Island, by clear-cutting and filling some 73 acres for a housing development. Fish Island has been listed on the National Register of Historic Places (8SJ62NR) since 1972, due to its importance in Florida's history. This document, signed by Governor Reubin Askew, reads in part, "...in Recognition of Its Significance and to Encourage Its Preservation."

Most people we speak to haven't heard the story of Fish Island, which exists only in bits and pieces dating from the 1700s to the present. It lies within the written descriptions of historians and scholars, in newspaper articles and in letters, in Spanish census records, in the records of Spanish tariffs, in archeological surveys, in cultural resource assessments, in published and unpublished first hand accounts, in letters written by Fish himself, in maps from the 1700s, in documents from the State of Florida, in letters written by previous landowners, and of course, in the lives of those who lie buried within its own hallowed grounds.

It is no wonder that this story remains largely untold, as we found no signs of any comprehensively written narrative, encompassing all of the pieces of the history of Fish Island.

In an effort to further inform this discussion, we have tried to connect the dots of this story based on a review of records, including those from the Fish Island files at the St Augustine Historical Society Research Library (SAHS-RL), as well as, other

scholarly sources. We have tried to both understand and underscore the less talked about, and yet, very relevant parts of the history, as accurately as the sources allow. Some sources conflict on exact dates, and in this case, we have included both. For clarity, we have italicized direct quotations. This written perspective contains both sourced material and our own perspectives.

In the Introduction we have provided a brief overview of Jesse Fish's early years. We have then emphasized in greater detail the two critical aspects of Fish Island's history that have not been adequately recognized, and consequently remain largely unknown to the community. The first is the significance of Jesse Fish's very large orange plantation, "El Vergel", as the actual site of the first commercial orange grove in our State and in the Nation. The second is the abundance of historic evidence pointing to the likelihood that unmarked burials (dating back to the 1700s) of a number of African slaves and others still exist on Fish Island.

Introduction

The story of Fish Island encompasses parts of three distinct historical periods in St Augustine: The First Spanish Period (1565-1763); the English Period (1763-1784); and the Second Spanish Period (1784-1821).

The story begins in New York in 1724 or 1726, the date Jesse Fish was born. (1, 4) He was of English descent, and as a young boy of ten or twelve, he set sail out of New York with the Walton & Company of New York, a shipping company, who since 1726 held the contract to bring food provisions and supplies to the Spanish Garrison in St Augustine. (2,3) In explaining his young age at employment, it's been suggested that Fish's father had died while working for the firm, and that "*Jesse was employed in his place as an act of kindness.*"(4)

Jesse Fish arrived in St. Augustine in 1736, where he resided for the next 54 years until his death on February 8, 1790 on Fish Island. (1) He was reportedly sent to St Augustine by the Walton Company in order to learn the Spanish language, laws, and customs while living with a prominent local Spanish family, the Herreras. (1,3) He became so proficient in these areas, that within a few years he obtained the commission as "*Agent of Supplies*", the company's sales representative in Spanish Florida, a role in which he remained until 1763. (1,3,4). There is much written about what transpired with Jesse Fish in 1763 and thereafter. He resided in El Vergel beginning in the First Spanish Period, through the English Period, and until his death in the Second Spanish Period.

In 1763, at the end of the First Spanish Period, when Florida was occupied by the British, all Spanish Floridians were given 18 months to leave, but many were landowners, and they were also permitted to sell their properties within that time frame. Jesse Fish, though raised in Spanish Florida, was of British descent, not a

Spaniard, and so was permitted to stay. A representative of the Spanish government, Senore de la Puente in early 1764, after being unable to sell the Spaniard's properties quickly enough, transferred most of the ex-patriots' land deeds to Jesse Fish, who supposedly had a confidential agreement to act on their behalf as their agent, by selling or renting their properties and then sending money back to them in Cuba or to other places. This arrangement and whether Fish acted in good faith remained a point of controversy for years until his death and afterwards, resulting in many land disputes and court cases involving his descendants.

Because of the massive land transfer that he acquired after the 1763 exodus of Spaniards, Jesse Fish became the owner of most of the properties in St. Augustine, in addition to lands we believe that he already owned on Anastasia Island. Following the transfer of properties from the departing Spaniards to him in early 1764, a map of the City, shows Jesse Fish as the owner of the majority of properties in St Augustine. It is unclear whether he may at times have resided in any of the St Augustine homes he had acquired. We can speculate that if he educated his children, they would have presumably attended school in St Augustine. At the end of his life, he reportedly had lost everything but El Vergel, due to the payments of his debts. He is said to have died penniless and a recluse on Fish Island, where he was also buried.

He had married 17-year-old Sarah Warner, the daughter of the Harbor Master in 1768 when he was in his forties. They had two children, Jesse Fish, Jr. and Phoebe Furman Fish, before the marriage ended in separation blamed (according to several accounts) on her "madcap" behavior. At his death, his descendants included his wife and children, and Clarissa Fish, "a certain black woman" said to be the "servant" to Jesse Fish Jr., and mother to their seven children, Sophia, Betsy, John, Maisy, Diana, Harriet, and Phebe. (12)

By comparison, there is far less available documentation about the details of what transpired in Jesse Fish's life during the years between 1748 and 1763. It has been reported that he was held as a prisoner of war by the Spanish starting in 1739 during Spain's war with the British under King George, and he is said to have arrived back to live as a free man in St Augustine *"in 1748, following the end of hostilities"*. (5) Jesse Fish has been described in many ways: as a scoundrel, a spy, a slaver, the savior of St Augustine, and a land grabber, just to name a few.

We surmise from what we have read that during the years subsequent to his return to St Augustine from his imprisonment, Jesse Fish became engaged in business dealings on several different fronts. He is on record as continuing to work many years as a shipping agent for the Walton Company, at times traveling and actually sailing ships for them. It seems likely that during these years he also became engaged in overseeing the establishment and growth of his very large, commercial, orange plantation on Santa Anastasia Island, and the records that we found of his slave imports begin in 1752. (10)

Fish Island, is the last remaining undeveloped parcel of Jesse Fish's original 10,000 plus acre land holdings on Anastasia Island, and the site of the remains of his former Plantation home, a blockhouse, a coquina block well, two tombs, a wharf, a channel system and of his previous orange groves. As previously mentioned, this area has been listed on the National Register of Historic Places since 1972, because of its relevance to Florida's history.

Site of Florida's First Orange Grove

On the parcel we now call Fish Island, sometime in the mid-1700s or later, Jesse Fish established a "world famous" and very large Plantation, called El Vergel. In a resolution passed by the Directors of the St Augustine Historical Society on February 10, 1975, they state in part, *"...Whereas, Fish Island has been identified by historians as the location of Florida's first orange grove. NOW, THEREFORE, BE IT RESOLVED by the Directors of St Augustine Historical Society that Fish Island is worthy of preservation...."*

It's well documented that Jesse Fish exported tens of thousands of oranges and hundreds of barrels of juice, and was known for the high quality of his fruit, as far away as London, where it was *"preferred before all others in the making of shrub"* (8). El Vergel enjoyed *"international renowned"*, had 3000 mature orange trees (9), and Jesse Fish is referred to by historians as *"Florida's first orange baron"* (8). On Census records his profession is simply listed as *"Planter"*. (13)

Florida is synonymous with the orange, so relevant and storied, that our State flower remains the orange blossom. It is depicted on our welcome signs, our license plates, and made nationally famous by our beloved "Orange Bowl" in Miami. The commercial citrus industry is crucial to Florida's economy and has earned a lasting place in Florida's history.

There are conflicting reports on the actual year of El Vergel's establishment, how Jesse Fish first acquired it, and when and where it began appearing on early maps of Spanish Florida. (5) Some place its beginnings around 1763 at the end of the First Spanish Period, and suggest that Fish *"laid claim to an old Spanish estate"* on Anastasia Island involving 10,000 acres, which included Fish Island, or that it was included as part of the transfer of lands from departing Spaniards (6) Others characterize the date of its establishment as *"unclear"*. (5,6) In many accounts its date of establishment is not addressed.

Based on the available records that we have reviewed, which are summarized below, we feel there is reason to believe that Jesse Fish first established El Vergel, his Plantation Home and his many acres of orange groves on the parcel of land we now call Fish Island, in or about the mid-18th century, 1748 -1750.

In 1789 the Governor of Florida, referring to the year 1763, writes of Fish, "*At the time of the cessation of the Province to the English (which occurred in 1763), Fish was already established in his residence, that he himself had prepared and planted on Anastasia Island, where he now lives. His principal and nearly only product was oranges and its juice with exportation of which during the time of the British Government he did important trade.*" (2) This description given in 1789, the year before his death (1790), places Fish as "*already established*" at El Vergel by the end of the first Spanish Period. It confirms that by 1763 he was already living there in his residence on Anastasia Island, where he had planted and, eventually, produced oranges and juice for exportation.

In 1805 Andre Michaux, the Botanist to King Louis the XVI of France, in referencing his visit to Jesse Fish describes Fish's "*five hectares of orange trees on Anastasia Island*"(7) writing, "*They are sweet, very large, have a thin skin, and are more esteemed than those brought from the West Indies. It is fifty years since the seeds of this species were brought from India, and given to an inhabitant of this island, who has increased them so much as to have made an orchard of them of forty years. I had the opportunity of seeing this fine plantation when I was in Florida in 1788.*" (1,7) As a point of clarification one hectare contains 2.47 acres, which gives us some idea of the size of the groves, present at Michaux's visit to El Vergel in 1788.

Michaux's reference to Fish's oranges and his having made an "*orchard of them of forty years*", if accurate, would date the beginning of El Vergel to 1748 or there about. Michaux also described that Fish had lived on the "*isle of St Anastasia*" for 52 years. (7) This would be consistent with other reports, including Fish's own, that he came to St Augustine in 1736. (2)

It is further explained that in 1763 at the end of the First Spanish Period in St Augustine, Fish acquired "*by deed*" land (including "*185 houses and a larger number of lots in St Augustine*") from the departing Spaniards, and in addition to the "*10,000 acres on Anastasia Island where he lived, Fish also owned more than 850 acres in different tracts most of which were on Moosa Creek... Fish claimed that he purchased the land on Anastasia Island from the Spaniards during the First Spanish Period.*" (7) This explanation seems to distinguish the lands he owned on Anastasia Island, which would encompass some 10,000 plus acres, including what we now call Fish Island, as separate from the property Fish acquired from the departing Spaniards at the end of the First Spanish Period in 1763, and is consistent with the previous two accounts.

Others describing the size of the Planation have described that by the close of the British Period (1784), "*El Vergel Plantation consisted of, in part, 3000 mature citrus trees, orchards, and 200 horses*". (5) Interestingly, Census records also document "*wild horses*" existing on Anastasia Island in the 1700s.

During Michaux's visit to Fish Island in 1785, he also is said to have described El Vergel, *"as a paradise that had withstood pillages by pirates and survived domination by two countries, England and Spain."* (7) In thinking about that statement for just a moment, this pristine island and all of the history that lies within has survived the *"pillages by pirates and domination by two countries, England and Spain"*, and now it faces decimation by a housing developer, D.R. Horton.

Fish Island is likely the actual site of the very beginning of the commercial orange industry, of any size and stature, in Florida and in the Nation. We join many others who have advocated that Fish Island and its significant history be preserved, not demolished.

Unmarked Burial Sites on Fish Island

We submit that there is ample historical evidence that over the course of some 40 years on this very large Plantation, many African Slaves lived and worked in the orange groves of Jesse Fish's, El Vergel, and some surely must have died there. In keeping with the known slave burial practices of the time, presumably, some would have then been buried on Fish Island in unmarked graves.

We believe the existence of unmarked burial sites of African slaves on Fish Island is not just likely, but probable, based on the records we have reviewed. Jesse Fish reportedly remained, a Protestant until the end of his life, according to census records and by other accounts. (13) This would have made it unlikely that he would have allowed his slaves to be baptized as Catholics, as was the practice of most Catholic slave owners in Spanish Florida. Catholic Baptism provided a path for both African Slaves and Freed Slaves to be buried in Catholic cemeteries.

Halbirt first introduced the probability that slave quarters and unmarked slave burials exist on Fish Island. According to Carl Halbirt's 2001 "Cultural Resource Assessment of Fish Island: The 18th-Century Plantation Home of Jesse Fish (8s)62), commissioned by the City of St Augustine: *"In addition to Fish's remains, the possibility exists for slave burials on the island, but their location is unmarked and unknown at this time. At least 17 slaves lived at the plantation and its probable that there was some mortality."*(p.38)

Halbirt further describes, *"Between 100 to 300 feet north of the main house is the area of the proposed slave or workers quarters."* (p.57) Halbirt states, *"Finally, monitoring should occur for all ground-penetrating construction or tree removal activities both within and outside the protected zones to insure that any significant archeological features (e.g., prehistoric or historic burials) undocumented during archeological field testing are recorded and, if need be properly conserved.."* (p.58). Halbirt also recommends the use of *"...remote sensing equipment (e.g. ground penetrating radar) to determine if additional gravesites are nearby."*(p.57)

The "Dorr Map" dated 1759, shows 8 tiny buildings on Fish Island, located north of the main house, which are speculated to have been slave quarters. (14)

During the period between 1752 and 1763 Jesse Fish is also recorded as being the owner of 133 African Slaves imported into Florida. 95 were males and 38 were females, and included in this number were 56 children, who were 12 years of age or younger. The youngest was a 5 year-old girl. Her name was Melchora. These records are sourced from the "Book of Indultos (1752-63, Cuba 472.AGI)" and found in Appendix 9 "Slave Imports Into Florida 1752-63", found on pp.269-274, in the book entitled, "Black Society in Spanish Florida", written by Jane Landers.

In her book, Landers, who is the foremost scholar of this aspect of our History, states that *"Jesse Fish, introduced most of the African-born slaves registered in the decade preceding Spain's loss of Florida (1752-63)"*. There is a precipitous increase in the numbers of slaves Jesse Fish imported in the year 1763 (see Graph, Appendix 1), leading to speculation that he imported slaves in order to sell them, which remains a possibility. He has also been characterized as a *"slaver"*, who kept the company of others, also so described.

We found no records of slave sales by Fish in either his accounting books or mentioned in other sources. Using slave labor on Plantations was also a common practice in the St Augustine area, and given the sheer size of El Vergel, it is highly unlikely that Jesse Fish could have cared for and managed these groves without some help. It is possible that Jesse Fish imported slaves either to trade for profit, to use as his labor force, or to replenish his labor force because of slave mortality on his plantation, El Vergel. These three possibilities are not mutually exclusive, and we believe that it is more likely than not, that African Slave deaths and their unmarked burials occurred on El Vergel over the course of some forty years.

Towards the end of his life in 1790, Jesse Fish self-reported owning slaves at his home on Anastasia Island, as recorded on 3 available census records as follows: *1783: sixteen slaves; 1786: fourteen slaves - "None baptized"; and 1787: seventeen slaves.* (13) As mentioned, it is specifically recorded in the 1786 Census record beside his 14 slaves: *"None Baptized"*, confirming our suspicion that it would have been most unlikely for a Protestant to baptize his slaves in the Catholic faith. That same year, Fish also recorded for the census *"another Negro (male) added, free, Catholic, called Diego"*(13) Being unbaptized would have prohibited slaves from being buried in a Catholic cemetery at that time in St Augustine, also increasing the likelihood of their burials having been on Fish Island.

Nowhere are better primary source descriptions of the history of slavery in Spanish Florida found, than in Jane Landers book entitled, "Black Society in Spanish Florida". Reading this makes real the trauma and inhumanity they suffered. Landers describes people by their names. She speaks of the process of registering slaves through a *"tribunal consisting of the Spanish Governor, the royal treasurer, the royal accountant"*, during which each enslaved person was physically examined, assigned

a name and a "*pieza*" or value of either a whole, 2/3, 1/2 or 1/3, for which an import tax was then collected. (11)

She does not spare the reader with euphemistic language. Landers states, "*The final act was to brand the slaves with 'RF', usually on the left shoulder*", proof that the Royal duty had been paid. Landers reports that even children, including the youngest of Fish's listed Slaves, Melchora, were not spared and that many enslaved children were recorded to have had signs of physical injuries and abuse. (11)

That some mortality was probable, as Halbirt first mentioned, is underscored by these descriptions and the harsh conditions of plantation life for slaves in Spanish Florida. According to information available from the "Report of the Database Project of Enslaved Americans", en-slaved persons who worked on Plantations reportedly had high mortality rates "*from the regular violence, poor nutrition, and excruciating labor of plantation life*". It was a common practice to bury African Slaves in unmarked graves on the premises of the Plantations on which they lived and died.

We have also found records describing four additional burials on Fish Island, including those of two Protestants, and a mother and a father, who met their untimely death there. This confirmed what we had been told about Protestants who died in St Augustine being "*rowed over*" to Fish Island for burial, prior to the days of the Huguenot Cemetery.

The evidence of two Protestant burials on Fish Island: excerpted from the respective records found in the SAHS Research Library include a William Williams who "*died in night of 28th of November... he was buried at El Vergel of Jesse Fish, as he was a Protestant*", (believed to be around 1807); and of a Samuel Williams (date unknown), according to a typed letter signed by his grand-daughter, Victoria Margaret Williams on February 14, 1917. She describes in her letter that her Grand-father Samuel Williams put into port at St Augustine, contracted pneumonia, and died, but was buried on Fisher's Island (hand written above the typed Fisher's is the word "*Fish's*") because he could not receive Christian Burial in St. Augustine, "*as he was not a Catholic*".

In her unpublished manuscript, "Florida in 1870 and 30 years Later", on pages 16 and 17 Alice E. Browne describes walking Fish Island and meeting a mother and her six children who having no other place to go, were living there in the ruins of the old Plantation. She continues in her description of the "*fate of the family who preceded the present one in occupancy of the premises*", describing that a lightening strike had killed the parents, leaving six children behind, until a passing boat came ashore and found the children alone with the two dead parents. She states, "*...the dead parents were found. They gave the latter decent burial and took the little orphans up to St Augustine...*" (15), suggesting that the deceased mother and father were buried on Fish Island. Given the circumstances, it is unlikely that they would have been placed in graves marked by a stone tomb.

Conclusions

Up until this point in time, The City of St Augustine Commission, the University of Florida (UF), and the State of Florida have gone to great lengths in forming alliances to preserve the history of this City, we all love so much. They have made the compelling case that all of its parts are significant, precious, and should be preserved, and not forgotten.

Would the City and the UF Historic St Augustine alliance allow a developer to pour thousands of tons of fill and concrete over either the Tolomato or Huguenot Cemeteries, burying them and hiding any sign of their very existence forever?

Most people would say, No; a reasonable assumption, given how the City Commission and the University of Florida Historic St Augustine alliance have approached the issue of the Confederate monuments downtown, which serve to memorialize those who died in the Civil War. In response to requests to take down the monuments, instead, they have chosen to preserve them and to add contextualization, as accurate reminders of our divided and tumultuous history.

Our understanding is that the General Loring Monument, standing in the yard of the UF-controlled Government House, also contains his remains. Ironically, in 1827 Ralph Waldo Emerson, about his trip to St. Augustine, is said to have described *"slaves he saw auctioned in the Government House yard, including the sale of four children without the mother who had been kidnapped therefrom"*. (16) Many voices have argued against disturbing the remains of just one man, an acknowledgement of a shared belief in our society, that hallowed ground should not be disturbed.

Why then would the City of St Augustine and the University of Florida, in their roles as preservers, conveyors, and guardians of our history, stand by, and allow a developer D. R. Horton to pour thousands of tons of fill dirt and concrete over those souls still buried on Fish Island?

According to Chapter 872.05 of the 2018 Florida Statutes, *"It is the intent of the Legislature that all human burials and human skeletal remains be accorded equal treatment and respect based upon common human dignity without reference to ethnic origin, cultural background, or religious affiliation. This section applies to all human burials, human skeletal remains, and associated burial artifacts not otherwise protected under chapter 497 or other state law and found upon or within any public or private land in the state, including submerged lands."*

An unmarked human burial is defined in the following way:

(f) *"Unmarked human burial" means any human skeletal remains or associated burial artifacts **or any location**, including any burial mound or earthen or shell monument,*

where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, excluding any burial marked or previously marked by a tomb, monument, gravestone, or other structure or thing placed or designed as a memorial of the dead.

We feel the parameters outlined in this Statute are pertinent to the abundance of historical evidence (just described), pointing to the likelihood of unmarked human burials on Fish Island. We urge the City, the University of Florida, and the State to afford the same treatment and respect (based on a shared societal value of common human dignity) to those unmarked human burials of African Slaves and others on Fish Island, as they have already shown in preserving the General Loring Confederate memorial. Allow them to rest, undisturbed, in this place, Michaux, so long ago, described as a "Paradise".

The Dr. Robert B. Hayling Freedom Park Memorial faces Fish Island, as if he is looking across the Matanzas River directly at the past; an odd coincidence or meant to be?

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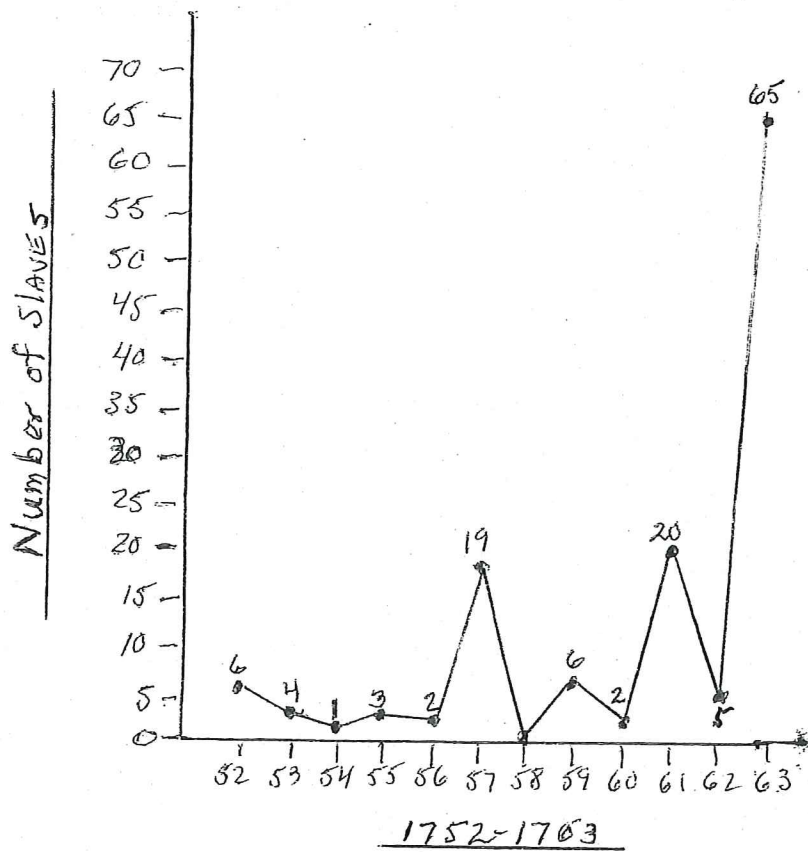
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APPENDIX 1.

JESSE FISH SLAVE IMPORTS
INTO FLORIDA



Fish Island's Historical Past: A Citizen's Perspective on What We Stand To Lose

(Addendum to the First Edition)

September 14, 2018

In St. Augustine today, there continues to be debate over just where Jesse Fish's slaves who lived, worked, and died on El Vergel were buried. Some point to the Tolomato cemetery, citing the policy in Spanish Florida that all slaves would be baptized in the Catholic faith, opening the path to burial in the Black section of the Tolomato graveyard, while many when writing about his Plantation, "El Vergel", omit this topic entirely. Given the census record of 1786 which lists Jesse Fish as a Protestant and his slaves as 'None Baptized', burial in the Tolomato Cemetery would not have been permitted. (13)

The number and the whereabouts of these unmarked burial sites have remained unanswered questions, but ones that we feel are of great importance to Fish Island and to our Historic community of St. Augustine. Since writing the first edition of Fish Island's Historical Past: A Citizen's Perspective on What We Stand To Lose, we have discovered additional historical documentation that we believe (absent the actual discovery of archeological human remains) may serve in putting these questions to rest.

From the available records pertaining to Jesse Fish's slaves, we know that just during the ten-year period from 1752-1763, he imported and is registered as the owner of 133 African slaves. (10) Historian Jane Landers, the foremost authority and author of Black Society in Spanish Florida, identifies Jesse Fish as introducing *"most of the African-born slaves registered in the decade preceding Spain's loss of Florida (1752-63)"*. (10) In addition, in the three available Census records for the years 1783, 1786, and 1787 he is listed as owning sixteen, fourteen, and seventeen Slaves, respectively. As previously described, in the Census record for the year 1786, his Slaves were noted as, "None Baptized", making burial in the Tolomato Catholic Cemetery forbidden. (13)

These available records total 180 Slaves that Jesse Fish is on record as owning in just a 13-year period (during the First and Second Spanish Periods). We recognize that the census records may or may not include the same individuals, as Slaves are not listed by name. We found no available records on Fish's Slaves prior to 1752 or for the twenty-year period between 1763 and 1783, during the English occupation. It is well-documented that Jesse Fish's very large commercial orange Plantation, El Vergel, had a thriving export business during the English Period from 1763-1784 (3), making the likelihood of an ongoing Slave labor force on El Vergel, during that twenty year period, inevitable. It is also worth noting that the overall importation of African Slaves into Florida generally increased even more during the period of

British occupation than in the First Spanish Period. Consistent with these known trends, we can speculate that Fish's slave ownership and Slave labor force may have similarly increased in volume during the English Period, although no records were found to verify this.

We also cannot be sure that all of Jesse Fish's registered African Slaves worked at El Vergel, as he was associated with known Slave traders and may, himself, have also been engaged in Slave trading for profit (though we found no records of any Fish Slave sales either in Fish's accounting records or from other sources). We do know the number of Slaves reported on the census records in 1783, 1786, and 1787, occurred in the years towards the end of his life (in 1790) and in what, were also likely the declining years of productivity at El Vergel, raising the possibility that these Census records may underrepresent the number of Slaves at El Vergel during its earlier peak years of productivity.

It is difficult to accurately project the number of Slaves that Jesse Fish may have owned and used as his labor force at El Vergel during the twenty years of English occupation, for which records are absent. Assuming that the record of Jesse Fish's registered African Slave Imports in Florida between 1752 and 1763 may predict a subsequent trend in his importation of Slaves, we used the aggregate number of 133 Slaves owned during this ten year period, as starting point, and then extrapolated this number over the next twenty-year period of British occupation. In doing so, we estimate that some 400 African Slaves may have worked at El Vergel during the course of some thirty years (through the end of the English Period). This sum does not include the number of Slaves found in the three available Census records from the Second Spanish Period. We know that Jesse Fish lived only 6 years during the Second Spanish Period before his death in 1790.

We recognize that these extrapolated numbers likely still underestimate the actual number of African Slaves who may have lived and worked on El Vergel during the lifetime of the Plantation. We believe that the period between 1752 and 1763 may represent only the very beginning of El Vergel, and does not reflect what surely would have been the growing Slave labor force needed in later years for an expanding commercial orange Plantation, as it became more established, and its product became world renowned and in high demand. (8, 9)

Jesse Fish's Slave imports spiked sharply in 1763, during the eleven-month British occupation of Havana, which brought "the remarkable increase in slave importations into Cuba", and which increased the availability of Slaves to Florida. (10, see also Appendix 1.). Landers writes, "*...during Florida's British period (1763-84) planter/slave traders imported thousands of slaves directly from Africa to work the large rice and indigo plantations they established in the new colony.*" (10) This has been described as the "*Africanization of Florida during the British tenure (1763-84).*" (10)

In keeping with these known trends, it makes sense that Jesse Fish's imports and use of Slave labor on the outlying Plantation of El Vergel, may have also increased significantly during the twenty years of British occupation. It is extremely unlikely that no mortality occurred in a group of some 400 African Slaves, (which is probably an underestimate of the actual number of Slaves), working on the Plantation of El Vergel over a forty-year period. Instead, it is very probable that mortality did occur and that some of these individuals remain buried on Fish Island in unmarked graves.

With regard to answering the question of where these burials of African Slaves may be located, records generated by The Catholic Church play a major role. In her book, "Black Society in Spanish Florida", Jane Landers provides a description about the state of Catholicism in 1788. She writes, *"In 1788, Fray Cyril de Barcelona, the bishop of Tricaly, and auxiliary bishop of Cuba, reportedly conducted an ecclesiastical visitation of the recovered colony."* In his seventy-one page report he is said to have listed concerns related to Catholics becoming "lax" in their practice of Catholicism due to contact with all of the English in Florida. Landers goes on to say, *"Although Catholicism was the official religion, Spanish officials permitted Protestant colonists and slaves to practice their faith privately, and many did so. Cyril made great effort to convert the English and their slaves, but found the English unmotivated. Only 98 English had adopted the Catholic faith in 1789."* (10, p.117)

This description seems to verify that not all slaves were baptized Catholic in Spanish Florida, despite great pressure from the diocese to have slaveholders do so. It further clarifies that despite laws to the contrary, *"Spanish officials permitted Protestant colonists and slaves to practice their faith privately, and many did so."*(10) This verifies that in fact, it was not uncommon during the Second Spanish Period for the Unbaptized Slaves of Protestant owners to practice their own faith, rather than convert to Catholicism. As mentioned in the first edition, Jesse Fish is identified on census records as Protestant, and this was also recognized in a document from a Spanish official. (13, 3)

Landers continues her description that the Bishop was distressed, *"...that almost all the slaves or the majority of all blacks living in the province, lived without the sacrament of baptism..."* He is said to have conducted a *"census of the slaves and counted 284 residing in the City and 367 in the countryside, 354 of which belonged to English owners (in the main, Protestants)."* He is said to have given the Priests two months to enforce the "diocesan statute" and the *"royal cédulas"*, requiring the Catholic owners to instruct their slaves and have them baptized. In addition, for new owners who did not comply, he threatened "the penalty of excommunication".

Landers states, *"However, blacks who lived most of their lives on the outlying plantations of Protestants tended either to remain outside any Christian church or to be Protestants."*(10, p.117) This description further corroborates that, in fact, the large majority of the slaves (*"...that almost all the slaves or the majority of all blacks living in the province ..."*) of Protestant owners, remained unbaptized, and in

particular, those "*blacks who lived most of their lives on the outlying plantations of Protestants*" (such as El Vergel) were even more likely to either be Protestant or not belong to any Christian Church.

It would seem that El Vergel, located along the east bank of the Matanzas River, and requiring travel by boat into St Augustine at the time, would therefore qualify as an outlying plantation. Landers also describes that only emergency visits were made by Priests to outlying plantations, stating, "*It is doubtful that many rural planters actually transported their slaves into St Augustine for the religious instruction required by the Cuban synods, and only adults on death's door were baptized without it.*" (10, p.120)

With regards to burials, there is a distinct difference between "urban Black Catholic" Slaves and Plantation Slaves. Landers states that for "*urban black Catholics*", and due to the warm climate, "*prompt interments*" were necessary, and usually occurred within a day of death at the Tolomato cemetery. One quarter of the cemetery was set aside "*for blacks at a cost of three pesos for a plot*", but was free for "*paupers without a casket*". (10, p.130) This underscores yet another barrier for Protestant plantation slaves be buried in St Augustine; this in addition to the difficult and lengthy voyage by dugout that would have been required to bring their bodies into town and the necessary urgency of needing prompt internments due to the warm climate.

Landers reports that in addition to the Tolomato graveyard, some black Catholics were buried "*at battle sites or on the rural plantations where they died*". Landers specifies, "*Slaves professing Protestant beliefs (which included most of the plantation slaves) could not be buried in holy ground and were, instead, usually interred in plantation graveyards.*" (10, p.130) Collectively, these additional individual descriptions further support our initial and ongoing hypothesis that those Slaves of the Protestant, Jesse Fish (who were not baptized) are buried somewhere on Fish Island, the site of the El Vergel Plantation, where they lived, worked, and died.

Together with the previously described records of two Protestant burials and the the burials of two parents, said to have met their untimely death on Fish Island, and absent any evidence to the contrary, **we believe this body of historical documentation makes a compelling argument that Fish Island is, indeed, hallowed ground. We submit that it is a place of unmarked burials, and is a historically significant site in the African Diaspora in St Augustine, the First Continuous European Settlement in the New World, spanning three distinct historical periods.**

For these reasons we advocate that Fish Island, which has been listed on the National Register of Historic Places since 1972 be preserved in its undeveloped state in perpetuity, identified as the site of unmarked African Slave and Protestant burials, recognized as part of the Black Heritage Trail in Florida for its significance

in the history of the Plantation life of African Slaves, and also marked as the site of El Vergel, Florida's first orange grove and the beginning of the commercial citrus industry in the State of Florida and the Nation.

We implore our elected officials and the State of Florida to immediately intervene and prevent D.R. Horton, the largest home developer in the United States from clear-cutting and filling this land for a housing development, which would desecrate this ground and forever bury its history.

Source

3. Translated Response Letter of Juan Ayala de Escubar, Governor of Florida to Minister of Justice; 1789; SAHS Research Library Fish File
8. McPhee, ORANGES, 1967)
9. Architectural Survey of Anastasia Island
Structure, St. John's County, Florida, Grant No.
F1402, 2015
10. Landers, Jane. Black Society in Spanish Florida, 1999, pp117&130, p158,
p.176
13. Spanish Florida Census Records: 1783 Ph.37,
1786 Family No.23 -page 8, 1787 p, 9 of Ph.31 -
page5; from The Study of the Fish Family With
DE LA PUENTE Notes by Eleanor Philips Barnes,
June 1952; found in SAHS Research Library Fish
files.

THE ST. AUGUSTINE RECORD
Affidavit of Publication

CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
AD# 0003126795-01

PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

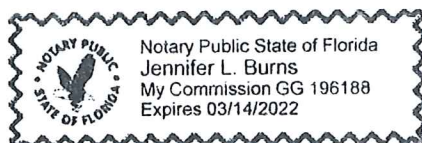
STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **NOTICE OF HEARING** in the matter of **PZB PIN#: 1622100016** was published in said newspaper on **12/27/2018**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before me this DEC 27 2018 day of December
by Melissa Rhinehart who is personally known to me
or who has produced as identification

Jennifer L. Burns
(Signature of Notary Public)



NOTICE OF PUBLIC
HEARING

Notice is hereby given of a public hearing by the Planning and Zoning Board to be held at 2:00 PM, Tuesday, January 8, 2019, at The Alcazar Room at City Hall, St. Augustine, Florida, at which time comments are invited on the following:

CONSERVATION OVERLAY ZONE DEVELOPMENT TO APPROVE REMOVAL OF PRESERVED TREES (OAKS & CEDARS) FOR A LINEAR RETENTION POND TO SERVE THE NEIGHBORING PARCEL LOCATE AT PIN#: 1622100021; 3-1F PTS OF GLS 2 & 3 LYING S OF SR312 - DEED PARCELS 1 & 2 (EX ANY PT OF PARCEL 2 OUTSIDE CITY LIMITS OF CITY OF ST AUG) (EX PT IN OR3015/910) OR1956/19 & 1956/27(Q/C) & 1956/33(Q/C); ALSO KNOWN AS PIN#: 1622100016 (Area roughly bounded by Plantation Island Drive S. projected to the Matanzas River, Matanzas River, State Road 312, then Plantation Island Drive S.).
APPLICANT'S NAME: Ryan Carter, Carter Environmental Services, Inc.
SUBMITTED BY:
CITY CLERK'S OFFICE
0003126795 December 27, 2018

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 7 (e)

Property Address: 1370 U.S. 1 South

Applicant's Name: Brian Lynn C/o Lynn Investments, LLC

BDAC File Number: 2018-0157

Total Number Sent: 9

0 In Favor

0 Opposed

0 Had Comments

THE ST. AUGUSTINE RECORD
Affidavit of Publication

CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
AD# 0003126796-01
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PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

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Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

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Jennifer L. Burns
(Signature of Notary Public)



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CONSERVATION OVERLAY ZONE DEVELOPMENT TO APPROVE REMOVAL OF MORE THAN FIFTY (50) PERCENT OF THE TREE CANOPY, INCLUDING NINE (9) PRESERVED TREES (OAKS) WITHIN CONSERVATION OVERLAY ZONE 3; (6-1) SOLANA GRANT SUB PT OF LOT 2 LYING E OF US 1200FT ON US 1 (EX PART IN OR1450/2015) OR1777/943 & CITY ORD 83-29; ALSO KNOWN AS 1370 U.S. 1 South.
APPLICANT'S NAME: Brian Lynn, Lynn Investments, LLC
CITY CLERK'S OFFICE
0003126795 December 27, 2018

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 7 (f)

Property Address: 700 Plantation Island Drive S.

Applicant's Name: Matt Lahti C/o Gulfstream Design Group

BDAC File Number: 2018-0168

Total Number Sent: 5

0 In Favor

0 Opposed

0 Had Comments

Attached one email in opposition.

Tracey Mullins

From: Amy Skinner
Sent: Thursday, December 27, 2018 4:09 PM
To: Grant Misterl you; Karen Zander; Jon DePreter; John Blow;
mauricepmorisette@gmail.com; opsahl@theomlawfirm.com; sarah shipp ryan
Cc: David Harrell; Tracey Mullins
Subject: FW: Zoning board meeting

From: DON SCHROEDER [mailto:mediarus2010@gmail.com]
Sent: Thursday, December 27, 2018 3:54 PM
To: Amy Skinner <askinner@citystaug.com>
Subject: Zoning board meeting

I urge all of you to vote AGAINST allowing the following:

Removing preserved trees for a linear retention pond to serve the neighboring parcel located at 162210-002”
Request to cut down trees at 700 Plantation Drive.

Thank you,

Don Schroeder
280 San Nicolas Way
SA

THE ST. AUGUSTINE RECORD
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CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
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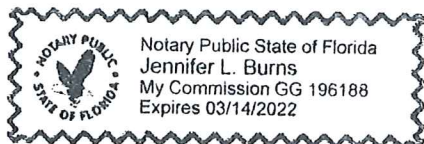
STATE OF FLORIDA
COUNTY OF ST. JOHNS

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Sworn to and subscribed before me this DEC 27 2018 day of
by [Signature] who is personally known to me
or who has produced as identification

Jennifer L. Burns
(Signature of Notary Public)



NOTICE OF PUBLIC
HEARING

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CONSERVATION OVERLAY ZONE DEVELOPMENT TO APPROVE REMOVAL OF MORE THAN FIFTY (50) PERCENT OF THE TREE CANOPY, INCLUDING SEVEN (7) PRESERVED TREES (CEDARS AND OAKS) WITHIN CONSERVATION OVERLAY ZONE 3; 57/15-16 ADAMS CROSSING LOT 1 OR4618/490; ALSO KNOWN AS 700 Plantation Island Drive S.
APPLICANT'S NAME: Matt Lahti, Gulfstream Design Group
CITY CLERK'S OFFICE
0003126797 December 27, 2018

PZB WRITTEN RESPONSE FORM

Meeting Date: January 8, 2019

Item on Agenda: 8 (a)

Property Address: 7 Bridge Street

Applicant's Name: Sandy & Mike Wieber

BDAC File Number: 2018-0154

Total Number Sent: 13

1 In Favor

1 Opposed

1 Had Comments



RECEIVED

DEC 26 2018

LEGAL NOTICE OF PUBLIC HEARING

"IMPORTANT NOTICE: Now that the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. **If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present**, and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."

NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING TO BE HELD BY THE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE, TO BE HELD **TUESDAY JANUARY 8, 2019**. THE MEETING BEGINS AT **2:00 P.M. IN THE ALCAZAR ROOM, 1ST FLOOR, WEST WING, CITY HALL, 75 KING STREET, ST. AUGUSTINE, FLORIDA**, AT WHICH TIME COMMENTS ARE INVITED ON THE FOLLOWING MATTER:

REZONING

RECOMMENDATION TO REZONE THE PROPERTY FROM HISTORIC PRESERVATION ONE (HP-1) TO PLANNED UNIT DEVELOPMENT (PUD) LOCATED AT 7 BRIDGE STREET AND DESCRIBED BY LEGAL DESCRIPTION AS CITY OF ST AUGUSTINE PT OF LOTS 1 1-A & 2 BLK 22 24.83FT ON AVENIDA MENENDEZ OR2228/1840 & 3733/489(TRUSTEES DEED) PIN 1984300000.

APPLICANT'S NAME: SANDY & MIKE WIEBER
APPLICATION NUMBER: 2018-0154

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by PZB with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the application is to be based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services.

To obtain additional information regarding this application, contact the Planning and Building Department at 904-825-1065. Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, 75 King Street, P.O. Box 210, St. Augustine, FL 32085-0210, no later than Monday January 7, 2019.

SURROUNDING PROPERTY OWNER**RESPONSE FORM**

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS: This property is a tiny residential property trapped between two large commercial hotels and 2 busy streets. It makes no sense for it to remain residential. Its incorporation into the B & B operation next door makes perfect sense.

SIGNATURE

PRINT NAME

7 Bridge St., St. Augustine
 ADDRESS

Case: 2018-0154



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APPLICATION NUMBER: 2018-0154**

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SURROUNDING PROPERTY OWNER

RESPONSE FORM

_____ IN FAVOR OF APPLICATION

 X OPPOSED TO APPLICATION

COMMENTS: _____

SIGNATURE

138 Avenida Menendez

ADDRESS

Case: 2018-0154

Henry & Esther Whetstone

PRINT NAME

RECEIVED

JAN 07 2019

Planning/Building Dept.

THE ST. AUGUSTINE RECORD
Affidavit of Publication

CITY OF ST AUGUSTINE
PO BOX 210

SAINT AUGUSTINE, FL 32085

ACCT: 15560
AD# 0003126802-01
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PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

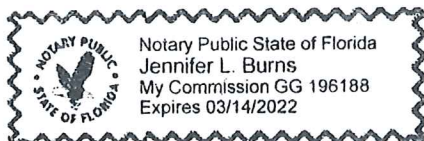
STATE OF FLORIDA
COUNTY OF ST. JOHNS

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or who has produced as identification

Jennifer L. Burns
(Signature of Notary Public)



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REZONING TO RECOMMEND REZONING THE PROPERTY FROM HISTORIC PRESERVATION ONE (HP-1) TO PLANNED UNIT DEVELOPMENT (PUD); CITY OF ST. AUGUSTINE PT OF LOTS 1 1-A & 2 BLK 22 24.83FT ON AVENIDA MENENDEZ OR2228/1840 & 3733/489 (TRUSTEES DEED); ALSO KNOWN AS 7 Bridge Street.
APPLICANT'S NAME: Sandy & Mike Wieber
CITY CLERK'S OFFICE
0003126802 December 27, 2018